The City Council of the City of Raleigh met in regular session on Tuesday, February 21, 1984 at 1:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend David C. Huffman, of Trinity Presbyterian Church after which the following matters were discussed with action taken as shown.

## RECOGNITION OF SPECIAL AWARDS

### STUDENT GOVERNMENT MONTH - PARTICIPANTS RECOGNIZED

Mayor Upchurch indicated February is Student Government month in Raleigh. Susan Wilson, representing the Youth Council, received a proclamation proclaiming February as Student Government month. Approximately 25 members of the Youth Council student government participants were present and recognized.

### HOUSING AUTHORITY - COMMUNITY TENANT RELATIONS AND INNOVATIONS AWARDS - RECEIVED

Ray Harris, representing the United States Department of Housing and Urban Development, was at the meeting and presented William Debrito, Chairman of the Raleigh Housing Authority, plaques indicating the Raleigh Housing Authority was chosen by a blue ribbon panel as a recipient of the 1983 HUD Recognition Award in the categories of Community/Tenant Relations as well as Innovation. Mr. Harris indicated there were over 800 Housing Authorities in Region 4 and 121 were nominated for the various awards and only 25 received these awards and of these 25, the Raleigh Housing Authority received 2. Mr. Harris indicated this is a very happy occasion because unfortunately, throughout the United States, public housing doesn't have the best public image, but in Raleigh, the Housing Authority has been extremely successful, particularly in their Community/Tenant Relations activities in overcoming this bad image. He indicated the Raleigh Housing Authority also received an award for Innovation and referred to the energy conservation program carried on by the Raleigh Housing Authority. He commended the Authority and the Board of Commissioners, as well as the City Council for their efforts. Mr. Debrito accepted the plaques on behalf of the Raleigh Housing Authority and expressed appreciation to HUD and to the City Council for their efforts in making it possible for the Raleigh Housing Authority to receive the awards. Mayor Upchurch expressed appreciation to Mr. Harris and explained that during the weekend Work Session, of the four major areas the Council indicated would be a priority for the next year, one was housing.

### OUTSTANDING VOLUNTEER OF THE MONTH - WAKE COUNTY JUVENILE RESTITUTION PROGRAM - COMMENDED

Mayor Upchurch explained the Outstanding Volunteer of the Month program and presented the February award to the Wake County Juvenile Restitution program. The award was received by Karen Jones, Director of the program.

### CERTIFICATES OF APPOINTMENT - PRESENTED

Mayor Upchurch explained the certificate of appointment presentation and presented the following certificates:

Housing Appeals Board - Glenn Plott: Human Resources and Human Relations Advisory Committee - Mabel Dorsey and Sol Richman: Mayor's Committee on Services to the Handicapped - Paul Bamford, Landis Bennett, John Dalrymple, Ken Franklin, Tom Lanier, James Mitchell, Theresa Rosenberg, Frank Ralph, Robert Sexton, Sabina Vermeulen and Peter Ward.

Robert Sexton, Chairman of the Mayor's Committee on Services to the Handicapped, expressed appreciation to the Council for their efforts and explained that the Committee is holding a Job Fair on March 13 at the Civic Center and explained the work and the purpose of the Job Fair.

Other certificates of appointment were presented as follows: Telecommunications Commission - David Miller: Youth Council Advisory Board - Betty Kendall and Bill Parmalee.

### CONTRIBUTION - GREEN ROAD PARK - RECEIVED

Mr. Walters presented a check in the amount of $117.71 on behalf of Mrs. Margaret Sherbert and the North Shore Garden Club. He indicated this contribution represents the receipts of a fund established to help with the landscaping of Green Road Park, pointing out is interesting to know that these funds were raised by the club by recycling aluminum cans. He indicated the contribution is made by the club and the club requests that these funds be used for the beautification of Green Road Park.

Mayor Upchurch accepted the contribution expressing appreciation to the North Shore Garden Club. See Ordinance 288

PERSONNEL - WILL WILLIS - REMEMBERED

Mayor Pro Tem Walters indicated he would like to pay a tribute to an old friend and City employee who died last week in Raleigh requesting that the remarks be made a part of the City Council minutes. He indicated Will Willis was born on May 1, 1899 and came to work for the City of Raleigh as a pipe fitter in the Utility Department on May 15, 1924. For the next 39 years, Will was a faithful employee of our City and his speciality was fire hydrants. Mr. Walters indicated when Mr. Willis retired on January 1, 1963, he had accumulated two years of unused sick leave. He stated Mr. Willis lived and raised his family on East Davie Street and was one of the most active members of the Martin Street Baptist Church for his entire life.

## CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. Mayor Upchurch announced the vote on the Consent Agenda would be a roll call vote. Mr. Congleton requested that the item relating to security monitor service at parks facilities and the transfer relating to the Ridge Road and Biltmore Pools be withdrawn. Mayor Upchurch requested that Bid Request 83-40 be withdrawn. Without objection, these two items were withdrawn. Ms. Babb moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Mr. Keller and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Consent Agenda were as follows.

PRIVILEGE LICENSE - HUNAM PALACE CHINESE RESTAURANT - APPROVED

This is a privilege license application for "Hunam Palace Chinese Restaurant," located at 6677 Falls of Neuse Road. The owner, James S. Ma, is the individual making application. City Code Sections 2-2032(2), (5), and 12-2118(3) require City Council approval before a license may be issued for a dance hall with live entertainment, classified as a class two entertainment center.

Inspections and Police reports indicate approval.

Recommendation: Approval of this privilege license is requested. Consent Agenda approval - Babb/Keller - 8 ayes.

GLENWOOD/BELTLINE INTERCHANGE - CITY TO CONTINUE SUPPORT FOR STATE PROPOSAL

The proposal made by Mr. Stager on December 20, 1983, has been reviewed by our Transportation staff. In the Council Members' Agenda packet, there is a memorandum summarizing the evaluation. As noted, the concept is beyond present financial capabilities and it does contain major engineering and traffic operation problems.

Recommendation: At this time, it is our recommendation that the City continue its support for the system improvements being proposed by the State and also work towards making long-range improvements in the area through the update of our Transportation Plan. Consent Agenda approval - Babb/Keller - 8 ayes.

APOLLO HEIGHTS CENTER - MAYOR AUTHORIZED TO SIGN AGREEMENT ON BEHALF OF THE CITY

Administration has negotiated an agreement with the Raleigh Housing Authority which provides for the transfer of a site and insurance proceeds to be used for the construction of the Apollo Heights Recreation Center. The agreement obligates the City to appropriate $125,000 for the Center. This appropriation has already been made. The agreement requires a simultaneous execution of construction contract by the City and delivery of deed and insurance proceeds by the Housing Authority.

Copies of the agreement and proposed deed were included in the Council Members' Agenda packet.

Recommendation: It is recommended that the Council approve the agreement and authorize the Mayor to sign the document. Consent Agenda approval - Babb/Keller - 8 ayes.

ETJ REZONING - PUBLIC HEARING AUTHORIZED FOR MARCH

The City of Raleigh on October 4, 1983, and the Town of Garner on November 7, 1983, approved a plan to realign their common extraterritorial jurisdiction. This plan places a 330-acre tract east of the I-40 extension (proposed) in Raleigh's jurisdiction.

On January 19, 1984, the City Council zoned the entire tract Residential-4 because this is the City's zoning classification comparable to Garner's previous zoning of Residential-40.

It has come to our attention that the 15-acre portion of Parcel 15, Wake County Tax Map 659, which is included in the ETJ extension, was zoned Industrial-1 by Garner. (A map was included in the Council Members' Agenda packet.) To conform to the City Council policy of applying City zoning districts comparable to the former zoning, this area should be advertised to be zoned City Thoroughfare District.

Recommendation: It is recommended that the City Council authorize a rezoning advertisement for the March zoning hearing to zone this 15-acre parcel Thoroughfare District. Consent Agenda approval - Babb/Keller - 8 ayes.

MUNICIPAL BUILDING - MOVING OFFICE EQUIPMENT TO NEW BUILDING - BID AWARDED TO BURNHAM SERVICE COMPANY

Proposals have been received to provide moving services needed with the upcoming relocation of City offices. Six proposals were reviewed. The three lowest were:

Burnham Service Company - $33,500
Capital/North American Van Lines - $34,900
Rucker Van and Storage - $37,995

Funds have been budgeted for this purpose.

Recommendation: It is recommended that the low proposal submitted by Burnham Service Company be accepted. Consent Agenda approval Babb/Keller - 8 ayes.

GRASSROOTS ARTS PROGRAM - GRANT APPLICATION - AUTHORIZED FOR SUBMITTAL

Since 1977, the City Arts Commission has been the designated agent to apply for funding under this grant program. The grants are made by the State, and this is allocated to various organizations which submit applications and are reviewed by a local committee.

Recommendation: It is recommended that Council approve submittal of the grant application in the amount of $73,197. Consent Agenda approval - Babb/Keller - 8 ayes.

TAXICAB OWNER'S PERMIT - APPROVED ON SECOND AND FINAL READING

During the February 7, 1984 Council meeting, approval, on the first reading, was given for a taxicab owner's permit in the name of Cornell Burrell Louis, Ebony Cab Company (new individual owner's permit) with the understanding that it would be placed on this agenda. Administration recommends approval on the second and final reading. Consent Agenda approval - Babb/Keller - 8 ayes.

TAXICAB OWNER'S PERMIT - CALVIN COOLIDGE LUCAS - APPROVED ON FIRST READING - TO BE PLACED ON MARCH 20, 1984 AGENDA

Application has been received from the following to operate a taxi. The application has been checked and meets the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, this application will be placed on the March 20, 1984, Agenda for second and final consideration.

Calvin Coolidge Lucas, Ebony Cab Company
(New Individual Owner's Permit)

Consent Agenda approval - Babb/Keller - 8 ayes.

PARKS AND RECREATION DEPARTMENT - BUDGET AMENDMENT - APPROVED

The Consent Agenda presented a budget amendment in the amount of $200 to place into an expense account the contributions made for the Capital City Trail. The Agenda outlined the revenue and expense account involved in the budget amendment and administration recommends approval. Consent Agenda approval - Babb/Keller - 8 ayes.

ORDINANCE NO. (1984) 288

AN ORDINANCE TO AMEND THE 1983/1984 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1983/1984 Budget Ordinance be amended as follows to place into expense account contribution made for Capital City Trails:

| | | | |
|---|---|---|---|
| Revenue: | 37-1-0070-0200 | Misc. Income | $200.00 |
| Expense: | 37-2-3000-0187 | Capital City Trails | $200.00 |

Section 2. That the 1983/1984 Budget Ordinance be amended as follows to reflect acceptance of contribution from Northshore Garden Club for landscaping of Green Road Park:

| | | | |
|---|---|---|---|
| Revenue: | 37-1-0070-0200 | Misc. Income | $117.71 |
| Expense: | 37-2-3000-0168 | Beaut. Green Rd. Park | $117.71 |

Adopted: 2/21/84

REIMBURSEMENT CONTRACT - ACREAGE FEES - APPROVED

The acreage fee reimbursement contract has been signed by the applicant and returned for Council approval and the Mayor's signature. The costs have been certified by the Central Engineering Department.

16 inch water main, NC 50
Development Associates, Inc. - $103,659.03
Water Area 8, No. 21

Recommendation: Approval is recommended and authority for the Mayor's signature is requested. Consent Agenda approval - Babb/Keller - 8 ayes.

CONTRACT RETAINAGE REDUCTION - MALCOLM PIRNIE, INC. - APPROVED

Administration has received a letter from Malcolm Pirnie, Inc., recommending that the retainage for the construction work for dam repair for the contractor, Wilson Construction Company, be reduced five percent.

This contractor has been both cooperative and responsible in the pursuit of the work. Additionally, the completed construction work has exceeded eighty percent.

Recommendation: It is recommended that the reduction in retainage be approved. Consent Agenda approval - Babb/Keller - 8 ayes.

CIVIC CENTER - INFORMATIONAL ITEM - RECEIVED

Approval has been granted for the rent-free use of the Civic Center for the Golden Years Spring Banquet on April 25, 1984, at 12:00 noon and the Golden Years Christmas Banquet which is scheduled for December 11 (rehearsal) and December 12, 1984.

Consent Agenda approval - Babb/Keller - 8 ayes.

WS1981-2 - CHANGE ORDER NUMBER 1 - APPROVED - FUNDS APPROPRIATED

Change Order Number 1, J. F. Wilkerson Contracting Company, relating to the Brookhaven - Deblyn Park sewer was presented. It was pointed out this is the final change order and is an addition of $8,768.19. The Agenda listed the reason for the change order and budget accounts that should be amended if the change order is approved. Administration recommends approval of the change order and the budget amendments. Consent Agenda approval - Babb/Keller - 8 ayes. See Ordinance 289 TF 15.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of Administrative transfers which have been authorized by the City Manager according to Council procedure. Concurrence with the Manager's action is recommended. Consent Agenda approval - Babb/Keller - 8 ayes.

The transfers were as follows:

| FROM | TO | AMOUNT |
|---|---|---|
| 01-2-1200-260 | 01-2-1200-704 | $600.00 |
| 01-2-1040-001 | 01-2-1100-260 | 360.00 |
| 19-2-8040-534 | 19-2-8040-992 | 500.00 |
| 01-2-1170-260 | 01-2-1170-603 | 325.00 |
| 01-2-1080-265 | 01-2-1080-236 | 500.00 |

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Consent Agenda presented a list of recommended transfers in various departments and from various contingencies for purposes as stated in the Agenda and with recommendation of approval. Consent Agenda approval - Babb/Keller - 8 ayes. See Ordinance 289 TF 15.

BID REQUEST 83-47 - COMMUNICATION MONITOR/SPECTRUM ANALYZER

Pursuant to advertisement as required by law, bids were received, on a second request, in the office of the Purchasing Agent on February 13, 1984 for a communication monitor/spectrum analyzer with only one bid being received . That bid was from Tessco, Inc., and was in the amount of $10,445. Administration recommends the bid be awarded. Consent Agenda approval - Babb/Keller - 8/ayes.

BID REQUEST 83-50 - AUTOMOBILES - JOINT AWARD TO SIR WALTER CHEVROLET AND BOBBY MURRAY CHEVROLET COMPANY, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 13, 1984 for automobiles with results as follows:

Item 1 - Four Door Compact Sedans

| | |
|---|---|
| Sir Walter Chevrolet Co. | $7,049.00 |
| Bobby Murray Chevrolet Co., Inc. | $7,168.96 |
| O'Neal Motors, Inc. | $7,589.12 |
| Al Smith Buick-Dodge | $7,784.15 |

RECOMMEND: Sir Walter Chevrolet

Item 2 - Four Door Compact Station Wagon

| | |
|---|---|
| Bobby Murray Chevrolet Co., Inc. | $7,496.37 |
| Sir Walter Chevrolet Co. | $7,519.00 |
| O'Neal Motors, Inc. | $8,344.92 |
| Al Smith Buick-Dodge | $9,020.11 |

RECOMMEND: Bobby Murray Chevrolet

Bid was also received from Charlie Wiygul Ford - Did not meet specifications.

Consent Agenda approval - Babb/Keller - 8 ayes.

BID REQUEST 83-51 - RAPID MIXER - BID AWARDED TO PHILADELPHIA GEAR CORPORATION

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 13, 1984 for a rapid mixer with results as follows: Philadelphia Gear Corporation - $11,659; Robert Filter Manufacturing Company - $15,000.

Administration recommends the low bid submitted by Philadelphia Gear Corporation be awarded. Consent Agenda approval - Babb/Keller - 8 ayes.

BID REQUEST 130 - CONCESSION PRIVILEGES - PULLEN PARK - BID AWARDED TO WILLIAM REAVES

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on February 10, 1984 for concession privileges at Pullen Park for the period March 1, 1984 through December 31, 1986. The results of the bids was as follows:

TERM OF CONTRACT: March 1, 1984 through December 31, 1986

| BIDDER | % of GROSS INCOME |
|---|---|
| William Reaves | 32% |
| The Grecian Gardens Restaurant | 31% |
| Ward Concession Company | 31% |
| McMillan Concessions | 27.5% |
| Booth Concessions Company | 22% |

Bidders were requested to submit bids on a percentage of gross sales. A minimum bid of 22% was stated in the proposals.

Administration recommends that the bid be awarded to William Reaves. Consent Agenda approval - Babb/Keller - 8 ayes.

TRAFFIC - VARIOUS CHANGES - ORDINANCES ADOPTED

The Consent Agenda presented recommended changes in the traffic code related to one-hour metered parking on West Street, permit D parking on Hunterfield Lane and two way traffic on Courtland Drive. It was pointed out that two way traffic on Courtland Drive would be an emergency ordinance to be effective immediately and would be a non-codified ordinance which would allow the street to revert to one way operation on the completion of the Wake Forest Road construction project. Administration recommends approval of the changes in the traffic code as outlined on the Agenda. Consent Agenda approval - Babb/Keller - 8 ayes.

ORDINANCE NO. (1984) 290

AN ORDINANCE TO TEMPORARILY AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 9 entitled, "ONE-WAY TRAFFIC" be temporarily amended by deleting the following entry to allow two-way traffic during the nine month construction period for Wake Forest Road:

Courtland Drive, northwesterly, from Wake Forest Road to Mordecai Drive

Section 2. That this ordinance, being of transitory nature, shall not be included in the permanent volume of the Traffic Schedule and the street shall revert to the one-way operation on the completion of Wake Forest Road construction.

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Adopted: 2/21/84

Effective: See Section 1

ORDINANCE NO. (1984) 291

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled "STOP INTERSECTIONS" be amended by adding the following:

Lakeland Drive at Lake Park Drive

Section 2. That Schedule No. 20C entitled "ONE HOUR ZONES" be amended by adding the following:

West Street, west side, from Hillsborough Street, southward 64 feet

Section 3. That Schedule No. 21 entitled "RESIDENTIAL PARKING" be amended as follows by adding to Area D:

Hunterfield Lane in its entirety

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. That this ordinance shall become effective February 28, 1984.

Adopted: 2/21/84

Effective: 2/28/84

END OF THE CONSENT AGENDA

SECURITY MONITOR SERVICE - PARKS FACILITIES - REFERRED TO THE LAW AND FINANCE COMMITTEE

The Department of Parks and Recreation has been receiving protective electronic security at thirteen locations for many years from Sonitrol. Sonitrol has been purchased by Gray, Inc.

Although we are dealing with substantially the same people, Gray, Inc., has submitted a contract to us that does several things.

It proposes to continue the electronic monitoring at the same thirteen locations. It offers to totally upgrade all equipment and to increase services at the year-round Optimist swimming pool, and in addition to intrusions, they will also monitor against fire. The monitoring of fire will be a new service.

The new agreement proposes that we enter into a five-year lease purchase arrangement with a figure of $14,895 per year for five consecutive years. This is slightly less money than we pay in the current budget for one year's service. At the end of five years, the service drops to about one-half of this cost.

Recommendation: It is recommended that the lease/purchase agreement be approved.

Mr. Congleton indicated that he had asked that this item be withdrawn from the Consent Agenda pointing out he has some questions about this item and would request that it be referred to Law and Finance Committee for review. Without objection, the item was referred to Law and Finance Committee.

TRANSFER - PARKS AND RECREATION DEPARTMENT - APPROVED

The Consent Agenda had a transfer in the amount of $6,140.35 for engineering fees for Ridge Road and Biltmore Hills Pools. The total engineering fee is $97,498.45. This is 7.175% of the total construction including all change orders. Mr. Congleton indicated he withdrew this from the Consent Agenda indicating he would just like to know what is taking place. City Manager Benton indicated the engineering services contract that was negotiated and approved by Council was based on a fee of 7.175% of the total construction cost. He indicated there were a number of change orders on the project which increased the total cost of the project, therefore, the engineering fee should be increased accordingly. Mr. Congleton moved approval of the transfer as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 289 TF 15.

BID REQUEST 83-40 - RENOVATION LANDFILL EQUIPMENT - TO BE PLACED ON NEXT AGENDA

This item relates to the results of a second request for bids for renovation of the landfill equipment and the results of the bids were as follows:

Item #1 - 1977 International Compactor

Two bids were received with Road Machinery Services, Inc., submitting the low bid in the amount of $50,284. It is recommended that this low bid be accepted.

Item #2 - 1976 Rex Compactor

Two bids were received with Road Machinery Services, Inc., submitting the low bid in the amount of $40,061. It is recommended that this low bid be accepted.

Mr. Upchurch indicated he is familiar with this project, but this looks like a lot of money for renovating equipment and he would like to see exactly what is being proposed, the specifications, etc., again pointing out this is a sizeable amount. He stated without objection, he would request that this item be placed on the next Agenda for consideration and in the meantime, Administration could provide some information on this item. Without objection, it was agreed to place this item on the next Agenda for further consideration.

SPECIAL ITEMS

PRIVILEGE LICENSE APPLICATION - ACC TAVERN - LOCATION MUST APPLY TO BOARD OF ADJUSTMENT; APPLICATION REMOVED FROM AGENDA WITH NO ACTION TAKEN

During the February 7, 1984, Council Meeting, an application for "ACC Tavern," 2502½ Hillsborough Street, was presented. The owner, John Wilson Hopkins, was the individual making the application. City Code Sections 2-2032(2), (3), (5) and 12-2118(2) require City Council approval before a license may be issued for a dance hall, private club with live entertainment, classified as a class 1 entertainment center. At the request of Mrs. Block, this item was referred to the City Attorney for an interpretation as to whether this constitutes a change of use and if Board of Adjustment approval would be required. It would be appropriate to receive the report from the City Attorney and take appropriate action.

City Attorney McCormick indicated he checked into the Board of Adjustment file on this case and learned that when the Board of Adjustment granted the last variance at this location, the Board indicated that any future changes should be brought back to the Board for review, so therefore, it would be necessary for the Board of Adjustment to review the off-street parking waiver for the "ACC Tavern" prior to any licenses being issued. He indicated he has notified the applicant and at this point, there is no action that the City Council can take on this application for a privilege license and he would suggest that the item be removed from the Agenda with no action taken, as he has already notified the applicant that the Council cannot act on the application for the privilege license until the Board of Adjustment has spoken to this issue. Without objection, the item was removed from the Agenda, as recommended by the Attorney.

REZONING Z-13-84 - NEW HOPE CHURCH ROAD - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 1.13 acres from Residential-6 to Neighborhood Business (.92 acre) and Conservation/Buffer (.21 acre) which lie along the rear (north) side of two lots for a width of fifty feet. CR-4043 of the Planning Commission recommended that this case be denied.

During the February 7, 1984, Council Meeting, several votes were taken on this item, and the final action was to direct that it be placed on this Agenda for further consideration.

Ms. Babb indicated this is the case that during the last meeting she requested that it go into committee for further discussion. She indicated the petitioner was out-of-town at that time and unfortunately, the petitioner had to be out-of-town today. She stated she still believes that its fair to allow this case to go in committee for study and she would move that rezoning Z-13-84 be referred to the Law and Finance Committee. Her motion was seconded by Mr. Calloway. Mr. Walters indicated it was deferred two weeks ago for the unusual opportunity for the petitioner to lobby the Council Members and the petitioner has done that, so he sees no reason to put this in committee to allow the petitioner additional lobby time. Ms. Babb indicated that the action taken on this case has bothered her, pointing out she feel that the Council should look at the fairness question. She pointed out in many cases when someone requests that something go to a committee, it is almost automatically. She stated she just feels that it is very important for the Council to be fair and consistent. Mr. Calloway indicated he had seconded the motion as he felt that it was fair that when someone requested that an item be referred that that request be honored and that he has not been lobbied by the applicant. The motion, as stated, was put to a vote with results as follows: Ayes - Upchurch, Babb, Calloway, Cates, Congleton. Noes - Keller, Walters, Block. The Mayor ruled the motion adopted.

ENTERTAINMENT ESTABLISHMENT - EXCEEDING OCCUPANCY LIMITS - VARIOUS ACTIONS TAKEN

During the last Council Meeting, Mrs. Block made several suggestions relating to problems with various businesses exceeding occupancy limits and suggested the following actions:

(1) That Administration be directed to advise City Council of any violations or convictions so they can consider revoking the license;

(2) Include in our next legislative packet an amendment to Section G.S. 143-138(h) to allow cities to use any of the enforcement mechanisms normally available to them under G.S. 160A-75 and further amend said section to do away with the $50 cap on fines;

(3) That Administration be directed to report each violation/conviction to the ABC Board for their consideration;

(4) Write each present member of the Legislature and each candidate a letter asking that they sponsor the changes suggested to the State law.

A copy of City Attorney McCormick's memorandum was included in Council Members' Agenda packet as requested. The action of Council during the February 7, meeting was to place the item on this Agenda for consideration.

Mrs. Block moved the recommendation as outlined be upheld. Her motion was seconded by Mrs. Cates. Ms. Babb indicated she would like to hear the Attorney's comments. City Attorney McCormick indicated recommendation number 2 really sums up his recommendation. He pointed out presently we do not have the tools to deal with this situation, pointing out this involves State building codes which limits penalties to the $50 fine and does not allow for a thirty day jail sentence or the civil penalties. He indicated he would recommend number 2, pointing out recommendation number 1, 3, and 4 are what Mrs. Block came up with based on what he had put in his memorandum to help the Council to deal with these problems. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

## REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission's Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Congleton requested that CR-4061 (S-6-84) and CR-4067 (S-27-84) be withdrawn. Without objection, these two items were withdrawn. Mr. Calloway moved the Planning Commission's recommendations on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Planning Commission Consent Agenda were as follows:

S-2-84 - QUARTERPATH TRACE, PHASE 1, APPROVED WITH CONDITIONS

This was a request for approval of 62 townhouse units on 11.3 acres which are part of Thorpshire Farm Planned Unit Development, zoned Residential-4 and currently undeveloped.

The property is located on the southeast corner of Falls of the Neuse Road and Thorpshire Drive, inside the City Limits.

CR-4060 from the Planning Commission recommended that this request be approved according to a map entitled, "Quarterpath Trace, Phase 1," the property of CBS Developers, drawn by Jerry Turner and Associates, dated October 3, 1983, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; (2) that the developer conform to all standards set forth in the Perry Creek Development Policy; and (3) that a storm water management plan and program be developed that would insure that there would be a minimal adverse impact on downstream water quality and be approved by the City's Soil Conservation Staff and the Planning Department. Consent Agenda approval - Calloway/Keller - 8 ayes.

SUBDIVISION S-7-84 and PA-203 - OAK PARK VILLAGE TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 82 townhouse units on a 10.9 acre parcel which is currently undeveloped and zoned Residential-10 (7.5 acres) and Conservation/Buffer (3.4 acres). The plans show the transfer of seven (7) units from the Conservation/Buffer zone, from an allowed 17 units.

The property is located on the southeast corner of Duraleigh Road and Deep Hollow Drive, outside the City Limits.

CR-4062 from the Planning Commission recommended that this request be approved according to a map entitled, "Oak Park Village Townhomes," the property of Oak Park Village Associates, drawn by Capitol Designs and James Billups, dated January 2, 1984, with the following conditions: (1) That the off-site sanitary sewer easement deed be recorded prior to recording the final plats; and (2) that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Calloway/Keller - 8 ayes.

SUBDIVISION S-8-84 - THE PINES AT BROOKHAVEN - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 9.04 acre tract which is currently undeveloped and zoned Residential-4 into 16 single-family lots.

The property is located at the southern end of Eddystone Road, just south of Shelley Road, outside the City Limits.

CR-4063 from the Planning Commission recommended that this request be approved according to a map entitled, "The Pines at Brookhaven," the property of W. A. Marlowe Construction Company, Incorporated, drawn by Priest, Craven and Associates, Incorporated, dated January 27, 1984, with the condition that the off-site sanitary sewer easement deed is recorded prior to construction plan approval. Consent Agenda approval - Calloway/Keller - 8 ayes.

SUBDIVISION S-9-84 - BRIGHTHURST CONDOMINIUMS - APPROVED

This was a request for approval to subdivide and construct 108 condominium units in five (5) buildings on 3.67 acres which are currently undeveloped and zoned Residential-30.

The property is located at the northeast corner of Wirewood Drive and Wade Avenue, inside the City Limits.

CR-4064 from the Planning Commission recommended that this request be approved according to a map entitled, "Brighthurst Condominiums," the property of Martin Development Company, drawn by Dockery, Hunter, Reynolds, and Jewell, PA, dated January 3, 1984. Consent Agenda approval - Calloway/Keller - 8 ayes.

SUBDIVISION S-11-84 - MILLS SUBDIVISION - APPROVED

This was a request for approval to subdivide a 9.7 acre parcel which is currently undeveloped and zoned Residential-1 into two (2) lots (1.08 acres and 8.6 acres).

The property is located on the north side of Holly Springs Road, south of Dillard Road and west of Avent Ferry Road, outside the City Limits.

CR-4065 from the Planning Commission recommended that this request be approved according to a map entitled, "Mills Subdivision," the property of Lakeside Farms, drawn by Derward W. Baker, dated February 8, 1984. Consent Agenda approval - Calloway/Keller - 8 ayes.

SUBDIVISION S-12-84 - WOODLAKE - APPROVED WITH CONDITION THAT GREENWAY EASEMENT DEDICATION ALONG LAKE LYNN BE ACCEPTED

This was a request for approval to subdivide a 112.74 acre parcel which is currently undeveloped into five (5) lots (average lot size - 20 acres), zoned Residential-10, Residential-4 and Conservation/Buffer. The acceptance of 10.32 acres of Greenway easement along Lake Lynn is also requested.

The property is located on the west side of Ray Road, adjacent to Lake Lynn, just north of Leesville Road, outside the City Limits.

CR-4066 from the Planning Commission recommended that this request be approved according to a map entitled, "Woodlake," the property of The Harlon Group, Incorporated, drawn by D. M. Ambrose Associates, Incorporated, dated January 20, 1984; and that the 10.32 acres of Greenway easement dedication along Lake Lynn be accepted.
Consent Agenda approval - Calloway/Keller - 8 ayes.

TEXT CHANGE PROPOSAL - LANDSCAPING AND LOT COVERAGE IN OFFICE AND INSTITUTION-III DISTRICT - PUBLIC HEARING AUTHORIZED

This was a request for approval to amend Sections 10-2037(2) and 10-2037(3) to require a treescape in the Office and Institution-III District, and to amend the maximum lot coverage in Office and Institution-III Districts when one-story buildings and buildings of two or more stories occur on one lot.

CR-4070 from the Planning Commission recommended that the ordinance attached to Certified Recommendation 4070 be authorized for public hearing. Consent Agenda approval - Calloway/Keller - 8 ayes.

REZONING Z-3-84 - ED DRIVE - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 6.39 acres from Residential-4 and Residential-6 to Residential-10.

CR-4071 from the Planning Commission recommended that Z-3-84 be approved as requested.

Consent Agenda approval - Calloway/Keller - 8 ayes. See Ordinance 292 ZC 134.

REZONING Z-4-84 - BLUE RIDGE ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 3.67 acres from Residential-6 and Residential-4 to Office and Institution-II.

CR-4072 from the Planning Commission recommended that Z-4-84 be approved as amended; that is, that the property contained in Z-4-84 be rezoned to Office and Institution-I. Consent Agenda approval - Calloway/Keller - 8 ayes. See Ordinance 289 TF 15.

REZONING Z-19-84 - SUNNYBROOK ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 36.56 acres from Office and Institution-III to Office and Institution-I.

CR-4074 from the Planning Commission recommended that Z-19-84 be approved as requested. Consent Agenda approval - Calloway/Keller - 8 ayes. See Ordinance 292 ZC 134.

END OF PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-6-84 - COLONIAL HEIGHTS TOWNHOMES - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to subdivide and construct 22 townhouse units on 2.2 acres which are currently undeveloped and zoned Residential-10.

The property is located at the northwest corner of Bashford Road and Oak Run Drive, outside the City Limits.

CR-4061 from the Planning Commission recommended that this request be approved according to a map entitled, "Colonial Heights Townhomes," the property of Glenn Carroll, drawn by Glenn D. Ward and Associates, dated January 19, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats.

Planning Director Chapman explained the location and the subdivision request. Mr. Congleton indicated there is an item in the Law and Finance Committee relating to a subdivision that is to the North of Oak Run Drive, which is adjacent to this subdivision. He indicated both subdivisions involve some improvements to be done to Oak Run Drive. He stated he just has some questions relating to this subdivision in conjunction with Oak Run Drive. Mrs. Block asked if these questions concerned the improvements to the road with Mr. Congleton indicating the questions he has on both subdivisions relate mainly to the improvements on Oak Run Drive. Without objection, the item was referred to the Law and Finance Committee.

SUBDIVISION S-27-84 - BENT CREEK PHASE IV REVISIONS - APPROVED WITH CONDITIONS AND WITH THE UNDERSTANDING ADMINISTRATION VERIFIES COMPLIANCE WITH ALL ORDINANCES

This was a request for approval to revise three building locations in the 5.29 acre phase zoned Residential-10. No additional units are shown. There is a total of 43 units in Phase IV and 14 units are being relocated.

The property is located on the west side of Bent Creek Drive, just north of Lynn Road, inside the City Limits.

CR-4067 from the Planning Commission recommended that this request be approved according to a map entitled, "Bent Creek Phase IV Revisions," the property of Richard L. Weale, drawn by Larry Chasak, dated September 31, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording any final plats.

Planning Director Chapman explained the location and the subdivision request. Mr. Congleton indicated he had the opportunity to ride through this area over the weekend and he noticed some things about the road construction and water problems that bothered him. He questioned if the roads will be dedicated to the City when the construction is complete. He pointed out it looks like there are some problems developing with the road and drainage and he just wanted to look at this question to see if the homeowners that are purchasing the property are going to be running into problems. He stated he is not sure what needs to be done, but he just feels that we have problems developing in this area. City Manager Benton indicated the only street that will be dedicated to the City would be Bent Creek Drive. The rest will be private streets. Mr. Congleton indicated his concern relates to the consumer. He stated if the roads that are being constructed do not meet standards or already have problems, he feels the consumers are going to have problems down the line. City Attorney McCormick indicated we do have standards in the Code for private streets. He pointed out as long as the streets are constructed and put in in accordance to the standards, there probably isn't much the City can do in the way of consumer protection. Mr. Congleton pointed out there is already water flowing into the streets. He indicated this is not supposed to be in a floodplain, but the way the creek has been rocked, he feels that there will be some water problems in the future. He stated it may be too late for this project, but he just feels that we should look at these areas very carefully. Mrs. Block indicated it is not too late and maybe this item should be referred to Administration. Mr. Congleton pointed out that this request is just a relocation or revision. He stated he did not necessarily want to hold the project up, but he would like to be able to do something to give Administration ability to protect the homeowners. He explained this is an approved subdivision that could be built without any Council approval or changes. After brief discussion, Mr. Congleton moved approval of the Planning Commission's recommendation subject to Administrative assurance that the private drive and drainage system in the

area meets all Code requirements and are inspected to assure this compliance and that a report be received by the Council from Administration if violations are found. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SC-216 - SUTTON SQUARE SHOPPING CENTER - APPROVED WITH CONDITIONS - MAYOR AUTHORIZED TO SIGN AGREEMENT

This was a request for approval to construct a 119,400 square foot shopping center, consisting of four (4) buildings on a 12.15 acre tract, zoned Shopping Center.

The property is located on the west side of Falls of the Neuse Road, at the intersection with Bullard Court, inside the City Limits.

CR-4008 from the Planning Commission recommended that this request be approved according to a map entitled, "Sutton Square Shopping Center," the property of Benson Construction Company, drawn by LaMarr Bunn and Associates, dated December 1, 1983, revised January 6, 1984 and January 26, 1984, with the condition that the developer conform to the requirements of the agreement attached to Certified Recommendation 4008 relative to the overall traffic circulation system, including the construction of Spring Forest Road Extension from Falls of the Neuse Road to the Linpro property.

Members of the City Council received in their Agenda copies of the above Certified Recommendations of the City of Raleigh Planning Commission.

Planning Director Chapman explained the request, location, etc. Planning Commission Woodlief indicated there were some problems on this that caused the vote not to be unanimous; however, he understands the developer has worked out these problems with the Planning Department. Mr. Congleton indicated with approval of this plan that Spring Forest Road would be extended and this would give us the initial start on this extension. He indicated this developer does seem to have a positive development approach and he feels that this would give us a good start on the Spring Forest Road extension, which is very badly needed, therefore, he would move approval of the recommendation, as outlined. His motion was seconded by Ms. Babb.

Discussion took place as relating to the number of exists or entrances into this area, with Planning Director Chapman indicating there would be total of four entrances: one major entrance, two secondary entrances and then a fourth driveway entrance. The motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

## COMMITTEES, COMMISSIONS AND BOARDS

GREENWAY COMMISSION - CHARLES MEEKER APPOINTED

The City Clerk reported one vacancy on the Greenway Commission due to the resignation of Mary Cates. Nominations include: Charles Meeker and Kyle Highsmith. Nominations have not been closed. There being no further nominations, Mr. Congleton moved that nominations to the Greenway Commission be closed. His motion was seconded by Ms. Babb and put to a vote which passed unanimously.

A ballot vote resulted as follows: Meeker - 5 (Walters, Cates, Block, Keller, Babb); Highsmith - 3 (Calloway, Congleton, Upchurch). The City Clerk announced the appointment of Charles Meeker to the Greenway Commission.

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported one vacancy due to the resignation of Catherine Rieger. Nominations include: Melvin Whitley and Carolyn Andrews. Nominations have not been closed. Mr. Upchurch nominated Bernadine Weddington. Mr. Calloway indicated he would have to withdraw the name of Mr. Whitley as he has moved out of town.

The City Clerk indicated on April 15, the terms of Myrick Howard and John T. Green expire. On April 20 the term of Theresa Rosenberg expires. All are eligible for reappointment and their attendance record is good. Brief discussion took place and it was agreed that action would be taken to fill the vacancy created by the resignation before taking nominations for the terms that will expire in April.

PARKS AND RECREATION ADVISORY BOARD - WILLIAM C. KNIGHT REAPPOINTED

The City Clerk reported the term of William C. Knight expires April 1, 1984. He has been nominated for reappointment and nominations have not been closed. There being no nominations, Mr. Congleton moved that nominations to the Parks and Recreation Advisory Board be closed and Mr. Knight appointed by acclamation. His motion was seconded by Ms. Babb and a roll call vote resulted in all member voting in the affirmative. The Mayor ruled the motion adopted.

BOARD OF ADJUSTMENT - NOMINATIONS MADE

The Clerk reported the term of John Silverstein expires April 15, 1984. He is eligible for reappointment and his attendance record is good. No nominations have been made. Ms. Babb nominated Mr. Silverstein for reappointment.

FAIR HOUSING HEARING BOARD - NOMINATIONS MADE

The City Clerk reported the term of Jimmy Coleman expires April 15, 1984. He is eligible for reappointment and his attendance is record is good. No nominations have been made. Mr. Calloway nominated Mr. Coleman for reappointment.

HOUSING APPEALS BOARD - NOMINATIONS MADE

The City Clerk reported the term of James Revis expires April 1, 1984. He is eligible for reappointment and his attendance record is good. No nominations have been made. Mr. Calloway nominated Mr. Revis for reappointment.

TELECOMMUNICATIONS COMMISSION - NOMINATIONS MADE

The City Clerk reported one vacancy on the Telecommunications Commission due the resignation of Noel Allen. The Clerk indicated since Mr. Allen's appointment, his law firm began representing one of the subcontractors responsible for installing Cable in the Raleigh area and he feels this would be a conflict of interest, therefore, he submitted his resignation from the Telecommunications Commission. Mr. Upchurch nominated Karen Peeler. No further action was taken.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - MELVIN WHITLEY WITHDRAWN

The City Clerk indicated during the last Council meeting, Melvin Whitley was nominated for the Mayor's Committee on Services to the Handicapped. She explained that since this committee does not have a set number and it has been agreed that persons could be added at the Council's discretion, it would be appropriate to confirm Mr. Whitley's nomination. It was pointed out that Mr. Whitley has moved out of town, therefore, the name was withdrawn from nomination.

## REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

PARK CAPITAL FUND - AMUSEMENT BUDGET - INFORMATION RECEIVED; GENERAL CONSENSUS FORMED

Chairman Keller reported the Law and Finance Committee received the report from the Parks and Recreation Advisory Board as information to be utilized in budget deliberations and recommends that this item be removed from the Agenda. Mr. Keller indicated in taking this action, it was the general consensus of the Committee that the Amusement Fund deficit should be subsidized by the General Fund. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb. Discussion took place as to what was meant by the word subsidized with Mr. Keller pointing out the Committee is only saying that the deficits in the Amusement Fund budget should be covered by General Funds rather than Park Capital Funds. He indicated it is felt that there will always be deficits in the Amusement Fund budget because it is a service-type program to the public. Mrs. Block questioned if there is a portion of the tax rate that is assigned directly to the parks now and this was discussed generally. Ms. Babb pointed out basically the Committee is saying that the Amusement Fund is operating costs and the Committee feels that the City shouldn't take any money for operating costs out of Capital Funds as we have been doing in the past, as the Committee felt that we should protect the Capital Funds. Mrs. Block indicated that answers the questions but it seems to her that these two things should be considered together but she would accept the motion. Therefore, the motion, as stated, was put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CHAMBER OF COMMERCE - REQUEST FOR ASSISTANCE IN ADVERTISING PROGRAMS - REMOVED FROM THE AGENDA

Mr. Keller indicated the Committee recommends that this item be removed from the Agenda with no action taken as the Chamber of Commerce has withdrawn their request at this time, pointing out that the Chamber of Commerce may come back at a later date with a request for funding. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-8-84 - LYNN ROAD - APPROVED AS AMENDED; STREET DESIGN CRITERIA - POSITION STATED

Mr. Keller indicated the Committee recommends that the property covered by Rezoning Application Z-8-84 be rezoned to Residential-10 and Conservation/Buffer. The Conservation/Buffer would be along the full frontage of this property and would be a minimum of forty-five feet from the present center line of the road with the maximum width necessary to accommodate a realignment of the road designed to handle speeds of fifty miles per hour. A map was available at the meeting showing the exact area to be rezoned Conservation/Buffer. In taking this action, the Committee recommends that the Council state that any additional cases or development along Lynn Road would need to accommodate the same design criteria. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 292 ZC 134

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Lynn Road, south side, between Six Forks Road and North Hills Drive, being Parcels 23 and 63, Tax Map 351 consisting of approximately 11 acres rezoned to Residential-10 and Conservation Buffer according to map on file in the City of Raleigh Planning Department. (Z-8-84)

(b) Ed Drive, south side, between Blue Ridge Road and Landmark Drive, being Parcel 18, Tax Map 462, approximately 6.39 acres rezoned to Residential-10 District. (Z-3-84)

(c) Blue Ridge Road, south side, between Duraleigh Road and Ed Drive (SR-1675), being Parcel 203, Tax Map 462, approximately 3.67 acres rezoned to Office and Institution-I District. (Z-4-84)

(d) Sunnybrook Road and Holston Lane, between Calumet Drive and opposite Falstaff Road, being a portion of Parcel 77, Tax Map 526, approximately 36.56 acres rezoned to Office and Institution-I District, according to map on file in the City of Raleigh Planning Department. (Z-19-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective February 21, 1984.

Adopted: 2/21/84

Effective: 2/21/84

SPORTS FESTIVAL - CITY TO PROVIDE USE OF FACILITIES WITH ONLY DIRECT COSTS BEING PAID; ITEM RETAINED IN COMMITTEE

Administration was asked to make a report at the meeting relative to possible consideration of providing City facilities for use during the Sports Festival with the only charges being cleanup, security, etc. The Committee further recommends that this item be retained in Committee for further consideration of support of the Sports Festival.

Mr. Keller asked that Administration give their report. Jack Moyer presented Council members with information on the use of City of Raleigh facilities for the proposed National Sports Festival including general comments, the facilities that would be used and the user fees at these various facilities. He indicated there appears to be three options from which the City Council may wish to select in showing the City's support of the National Sports Festival as follows: A) the Council may choose to make the facilities available to the National Sports Festival on the anticipated dates without an agreement at this time regarding the payment of fees; B) the Council may wish to agree to waive all user fees for the City facilities requested in lieu of the sponsors reimbursement of the City's direct cost; C) the Council may elect to commit to waive all fees normally paid to the City for the use of the requested facilities.

Mr. Keller indicated the Committee does want to hold this item on the Law and Finance Committee for further discussion, but pointed out the Committee felt that some support should be shown at this time as the Olympic Committee would be in Raleigh during the early part of March. He indicated the Universities have agreed for them to use their facilities providing they pay only the direct costs involved such as security, custodial, parking attendants, etc. Mrs. Block indicated at this point, she would not recommend that we underwrite the losses, pointing out she would like to know what their losses were in the other cities. Mr. Congleton indicated this is the type event that lends a lot of credibility to the area. He indicated the Sports Festival may end up costing the City of Raleigh something, but pointing out if you consider everything that it would bring to the area we would gain. In terms of giving some direction to the Committee when they visit the area, he indicated that we should give some type positive response, with Mrs. Block indicating she she understands but she doesn't feel we should waive all of the fees because we would be depriving some of our citizens of use of some of these facilities on those dates. Mr. Congleton moved that the City Council go on record in support of option B as outlined by Mr. Moyer. His motion was seconded by Mr. Walters. It was pointed out that this would be giving the use of the facilities with the Committee paying only direct costs such as light bill, water bill, etc. The fact that the citizens would be receiving the benefit of being able to participate in viewing of these games and the importance of the event was discussed. Mr. Congleton pointed out this is really just the first step and personally, he would be in support of additional support in encouraging the Festival to come to the Triangle area. The motion, as stated, was put to a vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PROPOSED TEXT CHANGES - SATELLITE DISHES - PUBLIC HEARING AUTHORIZED

Mr. Keller indicated Council members received in their Agenda packets a proposed ordinance relating to the location of satellite dishes in the City of Raleigh. On behalf of the Law and Finance Committee, he moved that this item be scheduled for public hearing during the March zoning hearing. His motion was seconded by Ms. Babb. Mr. Walters questioned if the dishes that exist now would become non-conforming if this ordinance is adopted with it being pointed out that that is correct, but they would be allowed to remain in a non-conforming status. The motion, as stated, was put to a vote, which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

SUBDIVISION S-174-83 - LAKE BOONE PLACE - APPROVED AS AMENDED

Mrs. Block indicated that the Public Works Committee recommends that this request be approved according to a map entitled, "Lake Boone Place," the property of Lake Boone, Inc., drawn by Armstrong and Associates, Inc., dated November 23, 1983, with the section entitled, "Sewage Disposal," included on Page 2 of the Certified Recommendation, being amended and made to read as follows:

> All lots fronting on Lake Boone Trail will be served by individual sanitary sewer lift stations, which will be owned, operated and maintained by the individual lot owners. The developer will attempt to obtain off-site sanitary sewer easement in order to serve lots fronting on Lake Boone Place and, if he is unsuccessful in this effort, said lots will be served by a single sanitary sewer pump lift station constructed in accordance with the standards of the City of Raleigh and owned, operated, and maintained by a homeowners association established in accordance with the requirements of the City of Raleigh (i.e., organization documents will receive prior approval by the City Attorney's Office).

On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

WATER PROBLEM - PLEASANT RIDGE AREA - REMOVED FROM THE AGENDA

Chairperson Block reported the Public Works Committee recommends removal of this item from the Agenda with no action taken, as the problem has been settled between the owner and developer. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STREET PROBLEMS - PENWOOD DRIVE - REMOVED FROM THE AGENDA

Chairperson Block indicated the Public Works Committee recommends removal of this item from the Agenda, as the problems have been resolved. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENTAL LIAISON COMMITTEE

ANNEXATION - BRITTANY WOODS - APPROVED TO BE ANNEXED ON JUNE 30, 1984 WITH CONDITIONS

Chairman Calloway indicated the Intergovernmental Liaison Committee recommends adoption of an ordinance annexing Brittany Woods, as requested. It is recommended that this annexation become effective June 30, 1984, with the stipulation that the property owner will construct the thirty-six townhouse units shown on approved plans for this property within twelve months after he constructs the section of Lynn Road shown on approved plans for this site and that this area be placed in Council Electoral District E. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled to motion adopted.

ORDINANCE NO. (1984) 293

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS BRITTANY WOODS

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on February 7, 1984, at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of June 30, 1984:

BRITTANY WOODS

Beginning at a point in the Northern right-of-way line of Lynn Road, shown on map hereinafter referred to; thence crossing the right-of-way of Lynn Road South 29 degrees 31 minutes 10 seconds West 92.31 feet to a point in the Southern right-of-way line; thence South 19 degrees 19 minutes 23 seconds West 339.42 feet to a point in the existing City Limits of the City of Raleigh; thence along the existing City Limits of the City of Raleigh three calls as follows: 1) North 70 degrees 37 minutes 17 seconds West 18.99 feet to a point; 2) South 74 degrees 24 minutes 51 seconds West 478.29 feet to a point; and 3) North 79 degrees 32 minutes 55 seconds West 120.03 feet to a point; thence North 09 degrees 05 minutes 10 seconds East 360.52 feet to a point; thence South 82 degrees 01 minute 52 seconds East 128.17 feet to a point; thence North 07 degrees 11 minutes 25 seconds East 274.38 feet to a point in the Northern right-of-way line of Lynn Road; thence along said right-of-way line three calls as follows: 1) South 81 degrees 13 minutes 05 seconds East 178.07 feet to a point and 2) in a Southeasterly direction along the curve to the right having a radius of 2,435.05 feet, a distance of 348.97 feet to a point, and 3) in a Southeasterly direction along a curve to the right having a radius of 2,975.49 feet a distance of 20.85 feet to the point and place of beginning, according to map entitled, "Brittany Woods, Raleigh, Wake Co., N. C." dated May 23, 1983, prepared by Kenneth Close, Inc. and recorded in Book of Maps 1983, Page 765, Wake County Registry, (Sheet Two).

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective June 30, 1984, with the stipulation that the property owner will construct the thirty-six townhouse units shown on approved plans for this property within twelve months after he constructs the section of Lynn Road shown on approved plans for this site.

Adopted: 2/21/84

Effective: June 30, 1984 (with stipulations as indicated in Section 4 above)

RESOLUTION NO. (1984) 460

A RESOLUTION TO AUTHORIZE THE INCLUSION OF BRITTANY WOODS IN CITY ELECTORAL DISTRICT E

WHEREAS, The City Council of the City of Raleigh did, by Ordinance No. (1984) 293 adopted February 21, 1984, annex a parcel of land being commonly referred to as Brittany Woods; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District E is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Brittany Woods as described in Ordinance No. (1984) 293 be added to City Electoral District E.

Adopted: 2/21/84

Effective: June 30, 1984

SCHOOL BOARD BREAKFAST - REFERRED TO ADMINISTRATION TO WORK OUT DETAILS

Mr. Calloway reported the Committee recommends that a breakfast be scheduled with the Wake County School Board to be held in the Civic Center, VIP Suite. Administration is to work with the School Board to determine which of the following dates would be most convenient for them: March 8, March 13, or March 15 at 7:30 a.m. It is further recommended that there be a structured agenda with items of discussion as follows:

City facilities-school facilities use
Land use planning and school facilities plan

On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE RALEIGH TRANSIT AUTHORITY

RALEIGH CITY COACH LINES - MANAGEMENT SERVICES AGREEMENT - APPROVED

The Transit Authority recommends that the City Council approve and authorize the Mayor to execute a management contract with Raleigh City Coach Lines for management services for the Transit System.

The Liaison Committee of the Transit Authority negotiated the new contract with Raleigh City Coach Lines, and it has been unanimously approved by the Transit Authority. It is now recommended to the City Council for their approval. The Council has received a letter from Chairman Barber reporting on the contract.

The terms of the contract were not changed except for the fee structure as follows:

> The proposed contract provides for the present fee to be reduced by 6.24% to an annual rate of $115,800 which shall continue through June 30, 1984. The monthly fee for the year beginning July 1, 1984, will be the same fee, plus an amount equal to any percentage increase, if any, in across-the-board pay changes which the Council might approve for the FY-85 year. Any change in the management fee would become effective at the same time as any overall pay plan change.
>
> In each of the succeeding three years of the contract, the fee would be increased if and when the City Council grants an across-the-board pay increase to all City employees. The increase in the management fee would be at the same percentage as the pay plan change. The contract will extend through June 30, 1988.

The Transit Authority Liaison Committee, composed of Chairman C. J. Barber, Mr. Hiriam Casebolt and Mr. Hill Carrow, was assisted in their negotiations by the Transportation Director, the Finance Director and the Transportation Services Engineer.

Department of Transportation Director Blackburn indicated the City has utilized a management company since it purchased the system in 1975 and this is a new contract that will extend through June 30, 1988. He indicated the Transit Authority feels this is a good contract. Ms. Babb questioned why we utilize the across-the-board pay changes and it is connected to the management contract, with Mr. Blackburn explaining if you have a contract that runs more than one year, you have to have some way or some inflation clause built in. He explained in the last contract, there was 9% per year inflation and it is felt that the inflation in the pay plan would be less. Discussion took place on this point, after which Mr. Walters moved that the Transit Authority's recommendation to enter into the contract, as outlined, be upheld. His motion was seconded by Mrs. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

URBAN RENEWAL LAND SALE - ADMINISTRATION AUTHORIZED TO PROCEED

Mr. Walters indicated the Real Estate Committee recommends that the City proceed with the sale of tract M located on Salisbury Street. This contains approximately 4 acres and the sale should be through negotiated offer, upset bid process. The City sale would be on the basis of the following restrictions: A) any buildings constructed on this property would be restricted to a maximum height of two stories; B) that the buyer be required to maintain at least a 30 foot wide area around the perimeter of the property which would be landscaped and include appropriate vegetation at all times; C) that a restrictive clause be included in the contract of sale requiring the buyer to refund 50% of any profit made to the City from the sale of land only if it is sold again within 10 years of the time it was purchased from the City; D) that the buyer would commence construction on this property within 12 months.

On behalf of the Real Estate Committee, Chairman Walters moved the recommendation be upheld. His motion was seconded by Mr. Keller. Mr. Upchurch indicated he feels that this would be a great addition to the City of Raleigh in this area. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

LONGVIEW POOL SITE - ACQUISITION AUTHORIZED

Mr. Walters indicated the Real Estate Committee recommends that the City proceed with the acquisition of approximately 3.94 acres of land at the Longview School site in accordance with the offer which has been made by the City through the Real Estate Committee for this property. The approximate purchase price would $78,860 and would include conveyance of any interest held by the school in a public park area adjacent to the school site on Locke Lane. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton. Mr. Benton, utilizing a map available at the meeting, explained the location. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

NEW BERN PLACE REDEVELOPMENT PLAN - MARTIN DEVELOPMENT GROUP APPROVED AS DEVELOPER SUBJECT TO NEGOTIATION OF APPROPRIATE TERMS

City Manager Benton indicated the City has twice solicited proposals for development of this property. On the latter request for proposals, a proposal was submitted by Martin Development Group, Inc., and that proposal has been reviewed by the Real

Estate Committee. He stated this involves the sale of some 21,000 square feet of property to the developer for construction of townhomes which would include substantial public improvements, relocation of the White-Holeman house and Parsons house and the building of the townhouse type units. Mr. Walters reported the Real Estate Committee recommends that the City designate the Martin Development Group as the developer for the New Bern Place residential area, subject to the negotiation of appropriate terms and approval by the City Council of those terms. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

COMMUNITY DEVELOPMENT - APPROVAL OF FAIR MARKET AND OFFER TO PURCHASE - AUTHORIZED

Mr. Walters indicated the Real Estate Committee recommends that the fair market acquisition values and the offer to purchase values be approved as recommended by the Housing Authority and as shown below. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mrs. Block and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The values were as follows:

To approve the "fair market" acquisition values based on two (2) acquisition appraisal reports and a review appraisal report of the following properties:

| Parcel | Value |
|---|---|
| B0003-0015<br>514 East Martin Street | $ 7,500.00 |

| Parcel | Value |
|---|---|
| A0014-0036<br>510 South Blount Street | $ 9,100.00 |
| B0064-0011<br>427 Alston Street | $12,900.00 |
| B0060-0028<br>603 East Cabarrus Street | $11,000.00 |
| A0022-0018<br>330 East Davie Street | $ 7,000.00 |
| A0021-0005<br>402 East Davie Street | $15,400.00 |
| B0059-0019<br>604 East Davie Street | $ 8,400.00 |
| B0059-0020<br>606 East Davie Street | $ 8,400.00 |
| B0059-0022<br>608 East Davie Street | $ 6,600.00 |
| B0059-0021<br>610 East Davie Street | $ 8,600.00 |
| B0060-0012<br>708 East Davie Street | $14,200.00 |
| B0064-0030<br>802 East Davie Street | $ 7,000.00 |
| A0044-0010<br>412 East Hargett Street | $23,500.00 |
| A0044-0011<br>416 East Hargett Street | $16,000.00 |
| B0060-0008<br>405 South Haywood Street | $15,900.00 |
| B0123-0009<br>709 South Person Street | $ 7,100.00 |
| B0005-0004<br>205 South Swain Street | $22,000.00 |

To approve "Offer to Purchase", the following CDBG property for not less than the approved disposition value established by City Council:

| | |
|---|---|
| B0003-0031 & B0003-0032<br>552 East Martin Street<br>556 East Martin Street | $ 4,700.00 |

REPORT AND RECOMMENDATION OF THE CITY MANAGER

SANITARY SEWER AGREEMENT - TOWN OF CARY - APPROVED AS AMENDED

The City has an agreement to provide wastewater treatment services for the Town of Cary. The agreement provides that the City receive the town's wastewater at one location on the Walnut Creek Outfall near the Beltline.

The town proposes that the agreement be amended to allow two additional points of collection by the City of Raleigh. The proposed amendment would not alter the terms of the agreement, including the gradual reduction in flows over the next five years. Council members received a copy of the proposed amendment and a location map in their Agenda packet.

This proposal would allow the Town of Cary to serve an area within their town limits that is in the southeast corner of the I-40 and Beltline interchange. This area is in the Walnut Creek Drainage Basin.

Under this amendment, Cary will construct the sewer lines necessary to connect with the existing City system. Flow measurement units will be constructed at I-40, and all lines downstream from these points will become the property of the City of Raleigh.

Recommendation: It is recommended that the proposed amendment to the Raleigh/Cary Intermunicipal Agreement be approved.

City Manager Benton indicated we currently have an Intermunicipal Agreement with Cary which has a wide range of conditions: one which indicates that there be a single point of interconnect in Walnut Creek. He indicated the Town of Cary wants two additional points of interconnect for drainage system purposes. He indicated these points of interconnect would be in the same general area. Mrs. Block indicated she would like to add a stipulation that only land that is in the Walnut Creek Basin be served and that that land be served by gravity flow. Mr. Walters moved Administration's recommendation with the amendment as outlined by Mrs. Block be upheld. His motion was seconded by Mrs. Block. Discussion took place relative to the paralleling of this line with City Manager Benton indicating the question of need will face the City in the next five to ten years.

He indicated Cary is substantially reducing their flow and we are still unsure of the time that we will face the Walnut Creek paralleling. He indicated the contract does have a set plan for Cary reducing their flow over the next four years as they take more flow into their plant which is under construction. Mr. Benton indicated that will give us an opportunity to consider the problems Apex is having and will reduce some strain on the line itself. He indicated Walnut Creek has a number of segments with different capacities so he does not think we will be talking about a total paralleling at one time. The motion as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ABANDONED/JUNKED VEHICLES - PROPOSED AMENDMENT TO CITY CODE - APPROVED

The section of the North Carolina General Statutes authorizing municipalities to remove abandoned or junked motor vehicles has been amended. The City Code, Section 11-2028, which provides for such action in Raleigh, needs to be amended to comply with the State laws. The major revisions involve a magistrate hearing after the vehicle is towed, a required best effort to notify the vehicle owner after the vehicle is towed, and reduction of the required notice from fifteen days to seven. A copy of the proposed ordinance is in the Council Members' Agenda packet.

Recommendation: It is recommended that the proposed ordinance be adopted.

City Manager Benton indicated basically this adjustment is needed so that the City Code will be consistent with General Statutes. Discussion took place as the whether this would slow down the process and whether this applies to private as well as public property. How we deal with complaints of abandoned or junked vehicles on private property was also discussed. Mr. Walters moved approval of the proposed amendment as outlined. His motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 294

AN ORDINANCE REWRITING THE ABANDONED MOTOR VEHICLES ORDINANCE TO CONFORM WITH 1983 LEGISLATIVE AMENDMENTS AND RECENT COURT DECISIONS.

THE CITY COUNCIL OF THE CITY OF RALEIGH HEREBY ORDAINS AS FOLLOWS:

Section 1. Sections 11-2028 and 11-2029 of the Raleigh City Code are repealed in their entirety.

Section 2. Part 12 of the Raleigh City Code is hereby amended by adding a new Chapter 7 to immediately follow the present Chapter 6, and to read as follows:

"CHAPTER . REMOVAL AND DISPOSITION OF ABANDONED AND NUISANCE MOTOR VEHICLES.

Section 12-7001 Administration.

The Police Department and Inspections Department of the City of Raleigh shall be responsible for the administration and enforcement of this ordinance. The Police

Department shall be responsible for administering the removal and disposition of vehicles determined to be "abandoned" on the public streets and highways within the City, and property owned by the City of Raleigh. The Inspections Department shall be responsible for administering the removal and disposition of "abandoned" and "nuisance" vehicles located on private property. The City may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles and nuisance vehicles in compliance with this ordinance and applicable State laws. Nothing in this ordinance shall be construed to limit the legal authority or powers of officers of the Raleigh Police Department and Fire Department in enforcing other laws or in otherwise carrying out their duties.

Section 12-7002 Definitions.

For purposes of this ordinance, certain words and terms are defined as follows:

Abandoned Vehicle. An abandoned motor vehicle is one that is:

(1) left upon a public street or highway in violation of a law or ordinance prohibiting parking; or

(2) left on a public street or highway for longer than seven (7) days; or

(3) left on property owned or operated by the City for longer than twenty-four (24) hours; or

(4) left on private property without the consent of the owner, occupant or lessee thereof, for longer than two (2) hours.

Authorizing Official. The supervisory employee of the Police Department or the Inspections Department, respectively, designated to authorize the removal of vehicles under the provisions of this ordinance.

Motor Vehicle or Vehicle. A machine designed or intended to travel over land by self-propulsion or while attached to any self-propelled vehicle.

Nuisance Vehicle. A motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:

(1) a breeding ground or harbor for mosquitoes or other insects or a breeding ground or harbor for rats or other pests; or

(2) a point of heavy growth of weeds or other noxious vegetation over eight (8) inches in height; or

(3) a point of collection of pools or ponds of water; or

(4) a point of concentration of quantities of gasoline, oil and other flammable or explosive materials as evidenced by odor; or

(5) one which has areas of confinement which cannot be operated from the inside such as trunks, hoods, etc.; or

(6) so situated or located that there is a danger of its falling or turning over; or

(7) any other vehicle specifically declared a health and safety hazard and a public nuisance by the City Council.

Section 12-7003 Abandoned Vehicle Unlawful; Removal Authorized

It shall be unlawful for the registered owner or person entitled to possession of a vehicle to cause or allow such vehicle to be abandoned as the term is defined herein.

Upon investigation, proper officials of the City may determine that a vehicle is an abandoned vehicle and order the vehicle removed.

Section 12-7004 Nuisance Vehicle Unlawful; Removal Authorized.

It shall be unlawful for the registered owner or person entitled to possession of a motor vehicle, or for the owner, lessee, or occupant of the real property upon which the vehicle is located to leave or allow the vehicle to remain on the property after it has been declared a nuisance vehicle.

Upon investigation, proper officials of the Inspections Department may determine and declare that a vehicle is a health or safety hazard and a nuisance vehicle as defined above, and order the vehicle removed.

Section 12-7005 Removal of Abandoned or Nuisance Vehicles;
Pre-Towing Notice Requirements

Except as set forth in sub-Section 12-7006 below, a vehicle to be removed because it has been abandoned or declared to be a nuisance vehicle shall be towed only after notice to the registered owner or person entitled to possession of the vehicle. In such instances, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle a notice indicating that the vehicle will be removed

by the City on a specified date (no sooner than seven (7) days after the notice is affixed), unless the vehicle is moved by the owner or legal possessor prior to this time.

With respect to abandoned vehicles on private property and nuisance vehicles, if the registered owner or person entitled to possession does not remove the vehicle but chooses to appeal the determination that the vehicle is abandoned or a nuisance vehicle, such appeal shall be made to the City Council in writing, heard at a regularly scheduled meeting of the Council, and further proceedings to remove the vehicle shall be stayed until the appeal is heard and decided.

Section 12-7006 Exceptions to Prior Notice Requirement.

The requirement that notice be affixed to an abandoned or nuisance vehicle at least seven (7) days prior to removal may, as determined by the authorizing official, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the authorizing official in the appropriate daily records. Circumstances justifying the removal of vehicles without prior notice include:

(a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, such circumstances include, and the City Council hereby determines that immediate removal of such vehicles may be warranted when they are:

(1) obstructing traffic (Code Section 11-2171(a))
(2) parked at the designated places identified in Code Section 11-2171(b)(1)-(11)
(3) parked in a no stopping or standing zone (Code Section 11-2173)
(4) parked in loading zones (Code Section 11-2177)
(5) parked in bus zones (Code Section 11-2178)
(6) parked in violation of temporary parking restrictions imposed under Code Section 11-2181

(b) Other abandoned or nuisance vehicles. With respect to abandoned or nuisance vehicles left on City-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the authorizing official finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration but not limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Section 12-7007 Removal of Vehicles; Post-Towing Notice Requirements.

Any vehicle which has been determined to be an abandoned or a nuisance vehicle may, as directed by the City, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the City. Whenever such a vehicle is removed, the authorizing City official shall immediately notify the last known registered owner of the vehicle, such notice to include the following:

(1) the description of the removed vehicle;
(2) the location where the vehicle is stored;
(3) the violation with which the owner is charged, if any;
(4) the procedure the owner must follow to redeem the vehicle; and
(5) the procedure the owner must follow to request a probable cause hearing on the removal.

The City shall attempt to give notice to the vehicle owner by telephone; however, whether or not the owner is reached by telephone, written notice, including the information set forth in (1) through (5) above, shall, unless this notice is waived in writing by the vehicle owner or his agent, also be mailed to the registered owner's last known address.

If the vehicle is registered in North Carolina, notice shall be given within twenty-four (24) hours. If the vehicle is not registered in the State, notice shall be given to the registered owner within seventy-two (72) hours from the removal of the vehicle.

Whenever an abandoned or nuisance vehicle is removed, and such vehicle has no valid registration or registration plate, the authorizing City official shall make reasonable efforts, including checking the vehicle identification number, to determine the last known registered owner of the vehicle and to notify him of the information as set forth in (1) through (5) above.

Section 12-7008 Right to Probable Cause Hearing Before Sale or Final Disposition of Vehicle

After the removal of an abandoned motor vehicle or vehicle declared to be a nuisance vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the vehicle. A request for hearing must be filed in writing with the Wake County Magistrate designated by the Chief District Court Judge to receive such hearing request. The Magistrate will set the hearing within seventy-two (72) hours of receipt of the

request, and the hearing will be conducted in accordance with the provisions of General Statute 20-222, as amended.

Section 12-7009 Redemption of Vehicle During Proceedings.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed vehicle by paying the towing fee including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed vehicle.

Section 12-7010 Sale and Disposition of Unclaimed Vehicle.

Any vehicle declared to be an abandoned or a nuisance vehicle under this ordinance which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the vehicle. Disposition of such a vehicle shall be carried out in coordination with the City, and in accordance with Article 1 of Chapter 44A of the North Carolina General Statutes.

Section 12-7011 Conditions on Removal of Vehicle from Private Property.

As a general policy, the City will not remove a vehicle from private property if the owner, occupant or lessee of such property could have the vehicle removed under applicable State law procedures. In no case will a vehicle be removed by the City from private property without a written request of the owner, occupant or lessee, except in those cases where a vehicle is declared a nuisance vehicle. The City may require any person requesting the removal of an abandoned or nuisance vehicle from private property to indemnify the City against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

Section 12-7012 Protection Against Criminal or Civil Liability.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an abandoned or nuisance vehicle, for disposing of such vehicle as provided in this article.

Section 12-7013 Exceptions.

Nothing in this chapter shall apply to any vehicle in an enclosed building or any vehicle on the premises of a business enterprise being operated in a lawful place and manner if the vehicle is necessary to the operation of the enterprise, or to any vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City.

Section 12-7014 Unlawful Removal of Impounded Vehicle

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the City any vehicle which has been impounded pursuant to the provisions of this Code, unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid."

Section 3. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall be effective upon adoption.

Adopted: this 21st day of February, 1984.

ARTSPLOSURE CELEBRATION - VARIOUS ACTIONS TAKEN

Jane Teague, ArtsPlosure Downtown Director, was at the meeting and presented a slide presentation on ArtsPlosure. She presented Council members with a folder of information relative to the 1984 ArtsPlosure which included the budget of $57,439. She indicated this shows the growth of ArtsPlosure since its inception in 1980 which had a total budget of $16,000. She explained ArtsPlosure has one paid position and receives some $86,866 in in-kind services. She went over the organizational chart for ArtsPlosure, Board of Directors, etc. Ms. Teague then explained the 1984 ArtsPlosure, pointing out it is anticipated to be a fantastic event which will include sculpture exhibits, art-about-town, celebrations on the mall, a free concert by Dave Brubeck, a black tie fund raising ball, and hopefully, a free opera in Memorial Auditorium. Ms. Teague indicated Council members received a number of items in their Agenda packets relating to ArtsPlosure that will require City Council actions. The items and Administration's recommendations were as follows:

A. <u>Street Closings</u>

It has been requested that Hargett and Davie Streets be closed between Salisbury and Wilmington Streets on Saturday, May 5 and Sunday, May 6 for ArtsPlosure activities in those streets and that the street closing fee be waived.

This request is similar to frequent street closing requests before the City Council.

Recommendation:

It is recommended that this request be approved provided that ArtsPlosure, Inc., assume responsibility for coordinating the barricading of the streets and provided that the plans for the layout and use of the streets be approved by the City Manager prior to the event. (12-1051)

B. Cabarrus Street Closing

It has been requested that Cabarrus Street, between Salisbury and Wilmington Streets, be closed on Friday, April 27 from 4:00 to 6:00 p.m. and on Saturday, May 5 and Sunday, May 6. In the event that construction renders Cabarrus Street unavailable at those times, the sponsors request that Morgan Street be closed on Saturday, May 5 and Sunday, May 6 for ArtsPlosure activities.

Cabarrus Street is officially closed and is on the property of York-Hannover and it's use cannot be granted by the City Council.

Recommendation:

It is recommended that the request for the closing and use of Morgan Street be approved for Sunday only subject to ArtsPlosure, Inc., notifying the City Manager of the need for such closing at least one week prior to the event and subject to the conditions for Hargett and Davie Streets in the item above. (12-1051)

C. Parking Requirement Waiver

The waiver of parking restrictions between the crosswalks where Morgan, Hargett, Martin (north side only), Davie and Cabarrus (if available) Streets cross the Mall during ArtsPlosure, April 26 - May 11, 1984 has been requested to facilitate ArtsPlosure participants loading and unloading of materials and equipment utilized in their displays upon the Mall.

This permission has been granted by the City Council on previous occasions.

Recommendation:

It is recommended that this request be approved provided that for enforcement purposes the zones involved shall be treated as loading zones to facilitate maximum use of the area and to ensure that the Mall fire lanes can be accessed if needed. (11-2172)

D. Parking Space Rental

Permission has been requested to allow ArtsPlosure to rent a cone for the use of one parking space on the north side of Martin Street immediately west of the Fayetteville Street Mall during ArtsPlosure, April 30 - May 11, 1984 for the parking of the ArtsPlosure sound truck.

The City Code provides for granting by City Council of such requests.

Recommendation:

Approval of this request is recommended. (11-2208)

E. Sale of Food on the Closed Streets

Permission has been requested to conduct the sale of food on the closed portions of Hargett and Davie Streets on Saturday, May 5 and Sunday, May 6.

The sale of food is permitted on the streets of the City, provided that the vendor must comply with applicable Health Department regulations and obtain appropriate privilege licenses. The City Code requires that the vendor move from block to block each hour except with City Council approval.

Recommendation:

It is recommended that the requirement that the food vendors move from block to block each hour be waived if the street will be closed for ArtsPlosure. (12-1024)

F. Sale of Art on the Mall

Permission has been requested to conduct the sale of original art works and handicrafts, to be sold by the artists, on the Fayetteville Street Mall during ArtsPlosure, April 30 - May 6, 1984.

The City Code requires Council approval, as has been granted by City Council several times previously.

Recommendation:

Approval is recommended. (9-7004)

G. Waiver of Mall Special Event Permit Fee

ArtsPlosure has requested the waiver of the application fee for the Mall Special Event Permit required for ArtsPlosure April 27 - May 6, 1984, and for rain dates of May 7 - 11, 1984. Based upon the use of the entire Mall and the use period which spans three weeks, the application fee would be $360.

City Council has twice previously waived the Mall Special Event Permit fee for similar events using the entire Mall.

Recommendation:

It is recommended that this request be approved (9-7004)

H. Sale of ArtsPlosure Tee-Shirts and Posters

Permission has been requested for the sale of specially designed ArtsPlosure tee-shirts and posters on the closed streets on Saturday, May 5 and Sunday, May 6.

The City Code permits only food, flowers, and handicrafts to be sold on the streets and right-of-ways of the City. During previous ArtsPlosures, these items have been sold on private property. A special exception would be required to allow the sale of these items on the streets. Indications are that no such exception has been made for any previous sale of this type.

Recommendation:

It is recommended that this request be denied. (12-1024)

I. Rent-free Use of the Memorial Auditorium

ArtsPlosure has submitted a request for the rent-free use of the Memorial Auditorium on the evening of May 1, 1984, for a performance of an Opera Company of the A. J. Fletcher Foundation. The rent would be $850.

To date, it has been City policy to waive fees for the use of the Civic Center complex only for City-conducted activities.

Recommendations:

It is recommended that this request be denied. (9-6002)

There was no discussion on Item A. It was pointed out in Item B, that Cabarrus Street is officially closed and hopefully, there will be construction by York-Hannover in that area, therefore, its use cannot be granted by the City Council. No discussion took place on Item C, with the exception that Cabarrus Street would not be available. It was pointed out in Item D, that this is the Council's prerogative, however, ArtsPlosure would have to pay the rental fee for the cones. There was no discussion Items E, F, or G. Lengthy discussion took place on Item H relating to the sale of ArtsPlosure tee-shirts and posters. Discussion centered around how the tee-shirts have been sold in previous years, the fact that they are unique and only available during this period, the fact that only food, flowers and handicrafts made on the Mall are allowed for sale in addition to the art work. Ms. Babb indicated she feels that it's time we need to consider relooking at the ordinance relating the Mall. She indicated every time anything that is fun or has pizzazz comes up, the Council says we can't do that because it is against the ordinance. She indicated we can make the Mall a sterile, uninhabited space or create an environment or circumstances that make it pretty and alive. She stated, in her opinion, we have got to change the attitude about the Mall and we need to start relooking at the ordinance. Mr. Calloway indicated he agreed with Ms. Babb but pointed out he feels that ArtsPlosure is going to be exciting whether tee-shirts are sold or not, therefore, he would move that the Council uphold the recommendation of the City Manager, that portion H of the request be denied. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

Discussion then took place on Item I, the request for rent free use of the Memorial Auditorium. City Manager Benton indicated the City has budgeted $13,000 for this program and rather than waiving the fee for Memorial Auditorium, if the Council wants to provide for this event, that he feels it would be better to allocate the additional $850 to the ArtsPlosure budget and let them go ahead and rent the facility. He indicated this would keep the Civic Center facility on a more enterprise-type basis. Lengthy discussion took place, after which Ms. Babb indicated this is a City event and we want people and activities in the Downtown area. She stated ArtsPlosure is a big event and we want people in the downtown area and we want as wide a range of activities as possible, therefore, she would move that the City Council increase the ArtsPlosure budget by $850 with that increase being earmarked for funding the rental of Memorial Auditorium for the A. J. Fletcher Foundation Opera Company Performance. Her motion was seconded by Mr. Calloway. Discussion took place as the whether the ArtsPlosure Committee could raise the money through private sources after which Ms. Babb indicated that would be fine for next year by the time is short now and she does not believe they would have ample time to try to raise this money and she hates to see this portion of the event lost. After discussion, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative except Mr. Walters, who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 289 TF 15.

ORDINANCE NO. (1984) 296

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Traffic Schedule of the City of Raleigh be and the same is hereby amended to prohibit motor vehicular traffic on Hargett and Davie Streets, between Salisbury and Wilmington Streets on Saturday, May 5, and Sunday, May 6 for ArtsPlosure activities.

Section 2. This ordinance shall be of temporary effect and shall be ineffective except at the times and on the dates specified in Section 1.

Section 3. This ordinance, being of a transitory nature, shall not be included in the Official Traffic Schedule of the City of Raleigh.

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Adopted: 2/21/84

Effective: See Section 1.

ORDINANCE NO. (1984) 297

AN ORDINANCE TO TEMPORARILY AMEND CHAPTER 11 OF THE CODE OF THE CITY OF RALEIGH ENTITLED "TRANSPORTATION"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 11-2172 of the Code of the City of Raleigh entitled "No Parking Zones" be amended temporarily by waiving parking restrictions between the crosswalks where Morgan, Hargett, Martin (north side only) and Davie Streets cross the Mall during ArtsPlosure, April 26, May 11, 1984 with the zones involved being treated as loading zones.

Section 2. This ordinance shall be of temporary effect and shall be ineffective except at the time and on the dates specified in Section 1.

Section 3. This ordinance, being of a transitory nature, shall not be included in the permanent volume of the City Code.

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Adopted: 2/21/84

Effective: See Section 1 Above

ORDINANCE NO. (1984) 298

AN ORDINANCE TO TEMPORARILY AMEND CHAPTER 12 OF THE CODE OF THE CITY OF RALEIGH ENTITLED "LICENSING AND REGULATION"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 12-1024 of the Code of the City of Raleigh be amended temporarily by waiving the requirement that food vendors move from block to block each hour on the closed portions of Hargett and Davie Streets on Saturday, May 5 and Sunday, May 6, 1984.

Section 2. That this ordinance shall be of temporary effect and shall be ineffective except at the time and on the dates specified in Section 1.

Section 3. This ordinance, being of a transitory nature, shall not be included in the permanent volume of the City Code.

Section 4. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Adopted: 2/21/84

Effective: See Section 1 Above

ORDINANCE NO. (1984) 299

AN ORDINANCE TO TEMPORARILY CLOSE MORGAN STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Traffic Schedule of the City of Raleigh be and the same is hereby amended to prohibit motor vehicular traffic on Morgan Street between Salisbury and Wilmington Streets on Sunday, May 6, 1984, for ArtsPlosure activities.

Section 2. This ordinance shall be of temporary effect and shall be ineffective except at the times and on the dates specified in Section 1.

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Adopted: 2/21/84

Effective: See Section 1

ONE HANNOVER SQUARE PROJECT - BUILDING HEIGHT APPROVED; ARCHITECTURAL SERVICES FOR PLAZA AREA - LEWIS CLARKE AND ASSOCIATES RETAINED - FUNDS APPROPRIATED: CONTRACT FOR UTILITY LOCATIONS APPROVED CONDITIONALLY - FUNDS APPROPRIATED

City Manager Benton indicated there are several Council actions that are necessary relating to the One Hannover Square Project. The actions and recommendations are as follows:

Section 10-2064(A)(3) requires that structures in the Business District which are built over a height equal to twice the width of the adjacent street shall obtain plan approval by the City Council.

York-Hannover Developments, Inc., is requesting Council approval for the height of the proposed 18-story office building to be constructed on the east side of the Civic Center Plaza. The request is for a maximum elevation of 570'-0" at the top of the main roof slab which would be 246 feet above Wilmington Street and 234 feet above the Civic Center Plaza.

The building is intended to provide a transition between the 268 foot height of the Center Plaza Building on the north and the 55 foot high Civic Center on the south. The total maximum height of the office building, including the top utility penthouse, would be 259 feet.

The City approved the rendering of the office building September 7, 1982, with certain design recommendations. The purchase agreement for the building site states that the office building (and later hotel building across the Plaza) will be eighteen stories high.

The development will provide east-west pedestrian access on the north and through the central enclosed arcade. Pedestrian and emergency vehicular access will be provided on the south side. The development will include a three-level parking garage beneath the building and the Plaza. The approximate 57,000 square foot Plaza will be renovated by the City as a pedestrian activity area.

The Code requires that the building plans provide a favorable arrangement to assuring adequate light, air, and open space for an urban environment; adequately protects surrounding properties from adverse effects; provides for safe traffic and pedestrian movements; and meets other applicable requirements of the Code.

A sketch map of the proposal was available at the Council Meeting.

Recommendation: It is recommended that Council approve the developer's request for a maximum height of habitable space not to exceed 570 feet elevation, so long as the total number of stories including penthouse not exceed eighteen and that the top penthouse floor be set back as illustrated in the preliminary drawings, and that the overall design concept, as initially approved by the City, be maintained. Mr. Keller moved Administration's recommendation be upheld. His motion was seconded by Mrs. Cates which passed unanimously. The Mayor ruled the motion adopted.

City Manager Benton indicated the second item relates to the architectural services for the design of the Plaza area. It is the City's responsibility to design and build the Plaza area after the underground parking structure is complete. Therefore, it is necessary to retain a consulting firm to provide for the design.

Since the firm of Lewis Clarke has performed the landscape design for the Fayetteville Street Mall and has performed the preliminary design work for the Plaza, it is appropriate to consider this firm.

Recommendation: It is recommended that the firm of Lewis Clarke be retained to provide design services for the Plaza area facilities which are the responsibility of the City. It is further recommended that the Council approve a contract with a fee based on cost of services not to exceed $82,000, and approve an appropriate transfer of funds to fund this agreement. Mr. Calloway moved the Manager's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 289 TF 15.

City Manager indicated under the agreement with York-Hannover, it is necessary that the City relocate the utilities out of the property upon which the building will be constructed. He indicated this involves City water and sewer lines, electrical lines, as well as Public Service gas lines. He indicated the agreement has been worked out the Public Service relating to the gas lines and the cost is $63,800. He stated the City has received the agreement from CP&L which calls for a $70,386 charge. He indicated he would recommend approval of these agreements subject to a final Administrative review of the cost figures in these proposals. He indicated we hoped to have bids for the relocation of the water and sewer lines at this meeting.

He stated they had been advertised but we got only one bid, therefore, it could not be opened. He indicated we will be soliciting bids again, and because of the time schedule, he may ask the Council to hold a short special meeting to consider approving the bids for the relocation of the City water and sewer lines. Mr. Congleton moved the Manager's recommendation relating to the bids and contracts for removal of the electric lines as well as the Public Service gas lines be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PERSONNEL - PAY GRADE FOR ECONOMIC PLANNER - SET

City Manager Benton indicated in the recently approved Administrative organizational adjustments, the position of Economic Planner was approved subject to Administration submitting a proposed pay range for approval by Council. He indicated Administration recommends that the position be established at Pay Grade 37 with a salary range of $21,448 to $31,688. Mr. Congleton moved the Manager's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ATLANTIC AVENUE - STATUS REPORT RECEIVED - VARIOUS ACTIONS TAKEN

Utilizing a map available at the meeting, City Manager Benton presented the following status report and recommendations relating to the Atlantic Avenue Project:

1. The Wake Forest Road Widening Project is under construction. Storm drainage piping is being installed. The projected completion date is September 30, 1984.

2. The Atlantic Avenue section from Wake Forest Road to Wicker is in right-of-way negotiations.

3. The Atlantic Avenue section from south of the Beltline to Winton Road is under contract. The clearing and grubbing is expected to begin by March 15. The projected completion date is December 6, 1984.

4. The Atlantic Avenue section from Winton Road to Millbrook is in the final right-of-way acquisition phase now. The road is designed and ready for contract bidding. It is planned to advertise and submit bids to Council on March 20, 1984. This is contingent on getting the right-of-way dedicated.

5. Atlantic Avenue north of Millbrook Road to Litchford Road has been designed and right-of-way is now being obtained.

   Seaboard Railroad has yet to approve the plans for the grade separation projects. We are promised approvals by February 27, 1984. The railroad underpasses for Atlantic Avenue and Spring Forest Road will be in the same contract and awarded together. The roadway contract will be let when the underpasses are substantially complete.

   It was necessary to modify the alignment of Atlantic Avenue at Millbrook and this resulted in a need to adjust the right-of-way that is approved for the revised section. North Boulevard Industrial Park is supportive of the revisions. It is necessary to cancel out the original right-of-way transaction and accept two new deeds of easements from North Boulevard Industrial Park. Council concurrence is requested. The appropriate Council action would be to authorize a Notice of Intent to exchange real property. This item would then be brought to the Council meeting on March 20 for final approval.

RESOLUTION NO. (1984) 459

A RESOLUTION OF INTENT TO EXCHANGE REAL PROPERTY OF THE CITY OF RALEIGH FOR REAL PROPERTY OF NORTH BOULEVARD INDUSTRIAL PARK, LTD.

WHEREAS, the City Council has received a proposal to exchange certain real property described in Exhibit A, attached and incorporated hereunto by reference, for certain real property of North Boulevard Industrial Park, Ltd., described in Exhibit B, also attached and incorporated hereunto by reference.

WHEREAS, the value of the respective properties to be exchanged is $300,000.00, and no other consideration is proposed to be exchanged.

WHEREAS, the City Council intends to consider authorizing such an exchange in its regular meeting to be held on the 21st day of February, 1984;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Raleigh that:

1. The City Clerk shall cause to be published at least ten days prior to the 20th day of March, 1984, a notice as required by G. S. 160A-271.

2. At its regular meeting on the 20th day of March, 1984, the City Council intends to authorize the exchange of property described above.

Adopted this 21st day of February, 1984.

6. Millbrook Road Realignment

It is requested that the Council approve a Change Order for City Contract PW1983-1 to add the improvements and relocation of Millbrook Road. The estimated cost is $397,208.75. In addition, the following funds transfer is necessary:

| | | |
|---|---|---|
| From: | 08-2-0000-0001 - Council Reserve | $200,000.00 |
| | 32-2-1000-0100 - Reserve | 197.208.75 |
| To: | 32-2-4495-0101 - PW1983-1 | $397,208.75 |

If approved, the projected completion date is July 1, 1984.

In addition, it is necessary to install a sanitary sewer line in Millbrook Road and it is requested that the Council authorize a public hearing on this proposed installation.

7. Spring Forest Road Extension from East of Railroad to Spring Forest Road

Agreements with North Boulevard Industrial Park for their financial obligations have been substantially resolved.

Most of the right-of-way has been obtained. Design is projected to be completed by March 31, 1984.

Mr. Congleton moved the report be received and the actions recommended by the Manager upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 289 TF 15 and Resolution 461.

RESOLUTION NO. (1984) 461

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

(A) P. U. 1984-1 - Installation of approximately 1400 feet of 8-inch sanitary sewer main within the new Millbrook Road right-of-way from a point 200 feet west of Atlantic Avenue, westward, to Old Wake Forest Road.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 20 day of March, 1984, at 7:00 p.m., in the Council Chamber, Room 315, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: February 21, 1984

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

TITLE PROBLEM METHOD AREA - REFERRED TO REAL ESTATE COMMITTEE

City Attorney McCormick indicated he received a request from Attorney David Curfman relative to trying to clear title to piece of property in the Method Community. He stated he would request that this item be referred to the Real Estate Committee and hopefully, a recommendation could be made from that committee to the March 20 Council

meeting. Mrs. Block moved that the request relating to a title question in the Method Community be referred to Real Estate Committee. Her motion was seconded by Mr. Congleton and put to a vote, which passed unanimously. The Mayor ruled the motion adopted.

CITY ATTORNEY'S LIBRARY FUND - APPROPRIATION MADE

City Attorney McCormick indicated due to the way the Session Laws are now printed, and the fact that more work comes out of each session of the General Assembly, his Library Maintenance Account is in need of additional funds. He indicated the Session Laws are now printed in a form similar to the Raleigh City Code and the cost has increased. He requested an appropriation of $960 to his Library Maintenance Fund. Ms. Babb moved the appropriation, as requested, be authorized. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 289 TF 15

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

| CODE | ACCOUNT | OBJECT CLASSIFICATION | AMOUNT |
|---|---|---|---|
| From | 81-2-1810-0111 | Clearing (81-72) | $ 8,768.19 |
| To | 81-2-1045-0201 | Brookhaven II (WS 1981-2) | 8,768.19 |

Purpose: Contract Change Order - Brookhaven-Deblyn Park Sewer - Phase II, J. F. Wilkerson Contracting Company, 1-Final.

| | | | |
|---|---|---|---|
| From | 43-2-5080-0100 | Contingency | $ 1,500.00 |
| To | 43-2-5010-0229 | Advertising | 1,500.00 |

Purpose: To clear account of deficit and provide sufficient funds for remainder of fiscal year.

| | | | |
|---|---|---|---|
| From | 43-2-6000-0100 | Pub Fac Imps. | $ 11,167.52 |
| To | 43-2-6000-0105 | Davie St. Widening | 11,167.52 |

Purpose: To provide funds for Jobs Bill Public Facilities Improvements.

| | | | |
|---|---|---|---|
| From | 43-2-6000-0100 | Pub Fac Imps. | $ 1,166.00 |
| From | 43-2-6300-0100 | Contingency | 11,234.00 |
| To | 43-2-6000-0107 | Ellington St. Cul-de-sac | 12,400.00 |

Purpose: To provide funds for Jobs Bill Public Facilities Improvements.

| | | | |
|---|---|---|---|
| From | 38-2-1000-0100 | Council Reserve | $ 6,140.35 |
| To | 38-2-2010-0102 | Swimming Pool B | 6,140.35 |

Purpose: For engineering fees for Ridge Road and Biltmore Hills pools.

| | | | |
|---|---|---|---|
| From | 01-2-1220-0240 | Photo & Blueprint | $ 9,000.00 |
| From | 01-2-1220-0260 | Office & Other Supplies | 2,125.00 |
| To | 01-2-1220-0283 | Aerial Mapping | 11,125.00 |

Purpose: To facilitate the payment for aerial photography contract with Greenhorne and O'Mara.

| | | | |
|---|---|---|---|
| From | 02-2-1820-0269 | Pamphlets, Charts, Etc. | $ 1,860.00 |
| To | 02-2-1820-0701 | Equipment | 1,860.00 |

Purpose: To cover purchase of one of VASCAR Plus approved by the Governor's Highway Safety Program.

| | | | |
|---|---|---|---|
| From | 06-2-7040-0701 | Pipe & Fittings | $ 16,000.00 |
| To | 06-2-7040-0619 | 2 Ton Utility Truck | 16,000.00 |

Purpose: To cover replacing vehicle 3359 which has high mileage and the utility body is rusted out.

| | | | |
|---|---|---|---|
| From | 01-2-5050-0265 | Other Services | $ 10,052.91 |
| To | 01-1-1040-0232 | Dillon Bld. Rent | 10,052.91 |

Purpose: To provide sufficient funds to pay the March rent on the Dillon-McLeod Building.

| CODE ACCOUNT | OBJECT CLASSIFICATION | AMOUNT |
|---|---|---|
| From 40-2-1515-0000 | Civic Center Plaza | $ 82,000.00 |
| To 40-2-1515-0102 | Civic Center Plaza Design | 82,000.00 |

Purpose: To set up account to contract for final landscaping and engineering plans for the Civic Center Plaza.

| | | |
|---|---|---|
| From 40-2-1515-0000 | Plaza Improv. | $134,186.00 |
| To 40-2-1515-0201 | Utility Relocations | 134,186.00 |

Purpose: To fund utility relocations for gas and electric at Civic Center Plaza.

| | | |
|---|---|---|
| From 08-2-0000-0001 | Council Reserve | $200,000.00 |
| From 32-2-1000-0100 | Res. for Council Proj. | 197,208.75 |
| To 32-2-4495-0101 | PW 1983-1 | 397,208.75 |

Purpose: For construction of Millbrook Road from Wake Forest Road east to existing curb and gutter approximately 2,900 feet.

| | | |
|---|---|---|
| From 01-2-1040-0001 | Contingency | $ 960.00 |
| To 01-2-1030-0277 | Library Maint. | 960.00 |

Purpose: To supplement Library Maintenance account-reimburse account for new NCGS format volumes.

| | | |
|---|---|---|
| From 01-2-1040-0001 | General Fund | $ 850.00 |
| To 01-2-1050-0379 | ArtsPlosure | 850.00 |

Purpose: To cover cost of renting Memorial Auditorium for free opera during ArtsPlosure.

| | | |
|---|---|---|
| From 38-2-2030-0100 | Lake Johnson/E. Ral. Pools | $ 79,000.00 |
| To 38-2-2030-0103 | Land Acquisition/Longview | 79,000.00 |

Purpose: Purchase of land at Longview School for pool.

## REPORT OF MAYOR AND COUNCIL MEMBERS

CITY COUNCIL - STAFF AND COPY MACHINE NEEDS - REFERRED TO ADMINISTRATION

Mayor Upchurch indicated, without objection from Council, he would ask Administration to review the needs of the City Council with regards to the Staff in the City Council office. He indicated there does not seem to be enough clerical assistance in their office. He stated he would like to refer this question to Administration for a report back to the next meeting. He indicated in addition, he feels that maybe in the new offices in the new building there will be a need for a copy machine in the City Council office, therefore, he would like Administration to look at that possibility. Without objection, the two items were referred to Administration.

TRAFFIC - REQUESTS FOR TRAFFIC LIGHT AT WADE/WOODBURN - REFERRED TO ADMINISTRATION

Mayor Upchurch indicated he had received a letter from Glen Jernigan, head of the Employment Security Commission, explaining that they would be relocating all of their personnel to the old Rex Hospital site shortly. He indicated sometime back, the light at the intersection of Woodburn and Wade Avenue was removed. He indicated Mr. Jernigan had stated that in light of the anticipated traffic to the site, they would like to have the light reinstalled. He stated without objection, he would ask that Administration be instructed to work on this request and go ahead and reinstall the light and report back to Council if any further action by Council is required. Without objection, the item was referred to Administration.

WAKE FOREST ROAD PROJECT - COMMENTS RECEIVED

Mayor Upchurch indicated at the last Council meeting, there were comments relative to the Wake Forest Road Widening Project. He indicated as he understands it, the storm drainage has been installed and hopefully that portion of the project is completed. He indicated Administration has assured that every effort will be made to keep the project moving along as expeditiously as possible to avoid any unnecessary hardships for the people living in the area. The item was received as information.

COUNCIL WORK SESSION ON PRIORITIES - VARIOUS ACTIONS TAKEN

Mayor Upchurch indicated Council members had received a synopsis of the Council Work Session as follows:

This report is intended to provide:

1) A summary of the Council members' priority ranking for programs to be pursued in the next two years.

2) A suggested work plan for the major issue areas.

1. Summary of Council Members' Priority Rankings

   a. Water Quality - Falls Lake

      All seven Council members ranked this as number one.

   b. Transportation Plan - Work Program - Bond Referendum

      All seven Council members ranked this as being one of the three most important issues for the City.

      Also, the issue of maintaining the present quality of mass transit services - Council confirmation of present policy was ranked as a top four issue by five Council members.

   c. The two major economic development items: Public/Private Partnership for Southeast Raleigh Development Plan; the Downtown Master Plan and Northeast received priority ranking. The Southeast Plan was ranked as a top four issue by all Council members. The downtown item was ranked as a top four issue by five Council members.

      Three additional issues were highly ranked which should be considered as strategies for economic development efforts.

      The half cent sales tax item was ranked as as a top three item by five Council members.

      The Dorothea Dix project was ranked as a top three item by six Council members.

      The funding for the wastewater treatment facilities was ranked as a top four item by five Council members.

   d. The revision of the Zoning Code and related ordinances was ranked as a top three item by five Council members.

   e. Developing City Housing Policy/Program was ranked as a top four program by five Council members. Two ranked it as a lower priority.

It is noted that the following programs were not as highly ranked as the above issues:

- need to revalue property more often
- coordination with Chamber of Commerce
- Park and Comprehensive Plan Update

2. Suggested Work Plan

   a. Water Quality - Falls Lake

      The Falls Lake Task Force is completing its work this month and a report should be made to the Public Works Committee on February 28, 1984.

      This item has been referred to Work Session and should be ready for discussion at the March 15 Work Session.

      Action Needed:

      Follow schedule outlined above to achieve early land development plan.

   b. Transportation Plan - Work Program - Bond Referendum

      The transportation plan update involves public meetings during the next several months on the base data which is being used in projecting our transportation system needs. These meetings will be conducted by the staff through the RCAC Transportation Committee.

      The second stage of the transportation plan update will proceed through the spring of 1985, to develop the Design Year 2005 Transportation Plan.

      Action Needed:

      1) By July, 1984, the Administration will submit to Council a recommended Thoroughfare Capital Improvements Program for 1985-1990. This report will identify specific road projects, their costs, the projected benefits, and a proposed financial plan including bond referendum.

      2) With reference to the Mass Transit Program, the Council should consider confirming the current policy on transit system expansion which was adopted by the Council on June 7, 1983.

      No additional committee assignments required at this time.

c. Economic Development

The major elements of the City's economic development efforts at this time are being actively pursued. They are:

1) Southeast Raleigh Development Plan

2) Downtown Master Plan

3) Northeast Development

Administration is now working on the preparation of the Southeast Raleigh Development Plan and this will be brought back to Council.

Action Needed:

1) Southeast Raleigh - encourage Administration to proceed promptly with the development of the economic plan for this area; encourage Wake County to locate a branch of Wake Tech in this area; support and encourage the development of quality shopping and commercial facilities in Southeast Raleigh.

2) Downtown - support the Master Plan efforts of Administration and maintain utility of Council support for the implementation of the New Bern Place project, the Capital Housing effort, City Market redevelopment, and the Downtown East housing.

3) Northeast - Council will be addressing a substantial element of the Northeast Development item when it reviews the Zoning Code revisions now being considered by the Planning Commission. This item should be referred to the Public Works Council Committee to commence a review of key policy items for this area including those which are not a specific component of the Zoning Code revisions such as package plant operations and maintenance. This is an important issue with major policy implications. In addition, it is critical that these issues be promptly addressed because of the development pressure in this area.

4) Appointment of Economic Development Advisory Committee - This item should be referred to Council Work Session. Also, Administration should develop a proposal on the scope of duties for such a committee for consideration at the Work Session.

5) To meet funding needs for water and sewer system development, a resolution should be adopted urging the County to enact the one-half cent sales tax, as soon as possible.

6) A resolution should be adopted urging the Governor to expedite the process for developing the Dorothea Dix property.

d. Revision of Zoning Code and Related Ordinances

Action Needed:

1) Refer to Council Work Session for purpose of assessing the depth of revisions which should be pursued.

2) Prior to Work Session, Administration will distribute a questionnaire which would solicit individual Council members' ideas on key areas of Zoning Code which are now deficient and need revision.

e. Developing City Housing Policy/Program

Action Needed:

Authorize Administration to solicit proposals to perform the Housing Study as outlined by Administration, and report to Council with recommendations in accordance with our standard practice for selection of consulting services.

f. Several of the key policy issues are involved with the preparation of the Capital Improvements Program by Administration. They are the Utility Program and Downtown Development. These will be critical issues to be addressed in the review of the Capital Improvements Program which should be submitted to Council in March by the City Manager.

Brief discussion took place, with Ms. Babb indicating she feels like this is a good plan for the next two years and a very good synopsis, pointing out she feels it shows that there is unanimity on the Council, therefore, she would recommend that the actions, as outlined in the Mayor's memo be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative.

RESOLUTION NO. 1984 462

A RESOLUTION URGING THE COUNTY OF WAKE TO ENACT AN ADDITIONAL ONE-HALF PERCENT SALES AND USE TAX.

WHEREAS, an additional one-half percent local government sales and use tax was authorized during the last session of the General Assembly of the State of North Carolina; and

WHEREAS, the General Assembly in a related action, repealed the authority for the State to issue "Clean Water Bonds" to finance public wastewater disposal systems; and,

WHEREAS, rapid growth of population, business, and industry in Raleigh and Wake County is producing heavy demands for expanding water, wastewater, and other public facility systems; and,

WHEREAS, the cost of expanding utility systems to serve growth in Raleigh and Wake County are high, and potential financial resources are limited; and,

WHEREAS, a primary purpose of the additional one-half percent sales and use tax is the provision of funds for water and sewer capital needs; and,

WHEREAS, the County of Wake has the authority to enact an additional one-half percent sales and use tax; and,

WHEREAS, ninety counties in the State of North Carolina have enacted the tax including the major urban counties of Mecklenburg, Guilford, Forsyth, New Hanover, and Cumberland.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA

Section 1. That the City of Raleigh urges the County of Wake to proceed expeditiously to authorize an additional one-half percent sales and use tax to provide necessary funds for the expansion of water and sewer systems and for other important purposes of the County and its municipalities.

PHOSPHATE LAUNDRY DETERGENT BAN - CITY COUNCIL SUPPORT - RESOLUTION ADOPTED

Mrs. Block presented a proposed resolution of the Raleigh City Council's support for a Statewide ban of phosphate laundry detergents and a Statewide enforcement program to assure compliance with the ban. She read the resolution in full, pointing out she feels the City of Raleigh should take a leadership role and she would move adoption of the resolution as read. Her motion was seconded by Mrs. Cates. Mr. Upchurch spoke briefly in support of the resolution, pointing out a number of States have adopted phosphate laundry detergent bans and cited the Great Lakes area. He pointed out this is a preventative maintenance type effort and he feels it would be a good move. Mr. Keller indicated it is important to keep in mind that we do not want to remove all phosphate, that we are talking about excessive amounts of phosphate, explaining that phosphate is necessary and at no time do we want to talk about eliminating phosphate in our nation's waters. Ms. Babb indicated this is a very well developed resolution, however she did not know it was going to be brought up today. She indicated she would like some information such as how many States have phosphate bans, whether we have information or data on the effectiveness, on how it works, how it would be implemented, how it would be enforced, etc. Ms. Block indicated the recommendation being made by the State staff is in support of this ban and they have volumes of back-up material. She, too spoke to the phosphate bans and its good effect on the Great Lakes. Mr. Upchurch explained that the soap and detergents manufacturers admit that the laundry detergent phosphate does cause problems. Ms. Babb indicated she understood that, but questioned if, in the long run, this is the best way to control phosphate and if it is something that we need to do. She indicated she has seen some figures that indicated it would cost approximately $48 per household to improve our plant to remove the phosphate at the treatment plant. She questioned the merits of that as opposed to prohibition. She indicated she wondered if voluntary cut backs would help. She stated she would just like to have some more time to look at this, think about it and get input from the citizens. She pointed out this is a significant step and personally she is not ready to vote on it at this point. Mr. Upchurch explained the rivers downstream are already turning green and he feels that we should take action. He stated he feels this is a good step forward and he feels it would have to be done on a State wide basis to be effective. Ms. Babb explained that she is not necessarily in opposition, as she too wants to protect our water supply and she knows that phosphate has to be controlled but her only question is what is the best way to do that. Mrs. Cates indicated that if there is a ban, she, too feels that it must be State wide, but she too would like an opportunity to look at this a little further and give the public a chance to respond, with Ms. Babb agreeing that the citizens should have input before the Council takes a position of this significance. She stated too, she feels the Council should have the input from the Advisory Committee before taking this action, however, after other discussion, the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

Ms. Babb indicated she did vote in favor of the resolution but she is very concerned as the Council did not have any advance notice that this was coming forward, the Council did not wait for input from the Technical Advisory Committee, or did not allow the citizens an opportunity for input prior to adopting this resolution.

RESOLUTION NO. (1984) 458

A RESOLUTION OF RALEIGH CITY COUNCIL SUPPORT FOR A STATEWIDE BAN OF PHOSPHATE LAUNDRY DETERGENTS AND A STATEWIDE ENFORCEMENT PROGRAM TO ASSURE COMPLIANCE WITH THE BAN.

WHEREAS, North Carolina has been blessed among the States of this great nation by its natural abundance of beneficial fresh water supplies; and

WHEREAS, fresh water is important to every citizen of the State since it is used for personal consumption, in industry, throughout the economic structure, and for many recreational uses; and

WHEREAS, the existence of excess nutrients in the State's fresh water threatens the existence of a water supply which can be enjoyed and used by the people because it creates and promotes algae growth which consumes an inordinate supply of oxygen from the water to the detriment of all other aquatic plant and animal life; and,

WHEREAS, phosphorus is a prime nutrient causing the unnecessary and prolific growth of algae in the State's fresh water; and

WHEREAS, most phosphorus found in the State's fresh water is not naturally occurring, but rather is there because of the activities of man living and working in society; and,

WHEREAS, the removal of phosphorus by wastewater treatment plants is an extremely expensive process which would cost the City of Raleigh alone $7.5 million in capital costs and $1.2 million in annual operating costs, plus creating large quantities of additional sludge which would need disposal through some process, resulting in a 27% increase in utility rates; and,

WHEREAS, the fresh water of the State is a huge, integrated system which requires water quality management at the State level; and,

WHEREAS, approximately 40% of the phosphorus occurring in the State's fresh water exists because of the use of phosphate laundry detergents, even though no detrimental effects have been shown to occur when safer non-phosphate detergents are used;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH that the State of North Carolina be urged to enact appropriate regulations which would ban the use of phosphate based laundry detergents and that the State create and implement as expeditiously as possible, an enforcement organization and staff in order to assure Statewide compliance with the ban. The City requests the Department of Natural Resources and Community Development to take the appropriate steps within its authority toward this end and to work with the North Carolina General Assembly to achieve the proper enactment of the necessary laws and to secure the funding for the enforcement staff and activities.

Adopted: 2/21/84

HUMAN SERVICE ORGANIZATION - CRITERIA FOR EVALUATION OF FUNDING - REFERRED TO ADMINISTRATION TO REPORT TO WORK SESSION

Mrs. Block passed out a memo dated February 21, 1984, relating to criteria for evaluation of Human Service Organizations seeking City funds. She explained this was developed some two years ago by the Human Relations Advisory Committee, pointing out some of these recommendations could be abbreviated, others added, etc., but she feels this is a good start. She stated the City Council has the responsibility of spending taxpayer monies wisely and she feels some type criteria is needed, therefore, she would move that this material be forwarded to the City Manager and Administration for recommendations and that they consolidate a recommendation relative to criteria for evaluation of Human Service Organizations seeking City funds and bring that recommendation to the City Council at Work Session on March 15, so hopefully, some type criteria could be adopted prior to the Council getting into the budget. Her motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RWCA - CONCERNS EXPRESSED - REFERRED TO ADMINISTRATION

Mr. Calloway indicated recently a number of Council members attended a meeting of the RWCA and there were several ideas and concerns shared. He indicated the concerns they have relate to the following: 1) appointment of a black Assistant City Manager; 2) reconvening of the Special Committee on Police Affairs; 3) address the questions and pursue the idea of the Wake Tech Satellite being in Southeast Raleigh; 4) use of revenue sharing funds in the City budget to develop economic development in Southeast Raleigh; 5) use of minorities and women in terms of in City contracts or set aside some type goals so that these two areas can benefit from the enormous amount of money the City spends. He indicated one of the things that they asked the City for is a track record of contracts of the City with minorities and women over the past several years and depending on what that showed, the City could take action to improve that track record. He stated at this point, he would like to request a listing of contracts with minorities and women and a recommendation to try to eliminate the situation that they believe exists. Without discussion, the item was referred to Administration.

STORM WATER DRAINAGE SYSTEM - COMMENTS RECEIVED

Mrs. Cates indicated she feels we need a City policy on storm drainage systems based on performance standards. She indicated there is discussion relative to performance standards as it relates to run-off at Falls, but the City does not seem to be talking about the urban area, and she doesn't feel that our present storm drainage policies are doing the job they should be doing. She indicated people give the City easements for storm drainage and then have to maintain the easements themselves. She indicated just recently, she wrote up a bad situation where the City has to work with the homeowner and submitted this information to the City Manager. She stated she feels we need to take a look at whether there are some other ways other than piping to deal with storm drainage, look at ways the City can help people whose yards are being carried away. She indicated she is working with the City staff and the City Council members may want to make notes of storm water problems they see around the City and perhaps we can look at these as we are working on our storm water management program. The comments were received with no action taken.

SCHOOL BOARD/CITY FACILITY USE - REPORT RECEIVED

Mrs. Cates indicated she is the City Council liaison to the Parks and Recreation Advisory Board. She indicated Frank Evans, Parks and Recreation Director, recently presented the Parks and Recreation Advisory Board with a report entitled, "School Board Use of City Facilities. This report was dated February 20, 1984. She passed it out to the Council as a matter of information, indicating to her this shows that the City has been very cooperative with the schools and helped them by allowing their use of City facilities. The report was received without comment.

NEWSPAPER VENDING MACHINES - REFERRED TO THE APPEARANCE COMMISSION FOR A REPORT TO LAW AND FINANCE COMMITTEE

Mr. Congleton indicated recently he has noticed a lot of newspaper vending machines appearing on City streets. He stated he has noticed what seems to be a festering proliferation of these news stands. He indicated he thought the City was in a situation where we are trying to make the City more attractive and he feels that this may take away from that effort and at this point, he feels that we should look at these like we are looking at billboards, as he feels that we are going to face more and more of the newspaper vending machines on the streets. He indicated he had asked the City Attorney about this matter and the City Attorney indicates that the City should and does require permits but he does not know if all of the newspaper vending machines are authorized. City Manager Benton indicated at this point, the City Administration removing or having these newspaper machines removed. Mrs. Cates asked about campaign literature on the City rights-of-way with Mr. Benton indicating the City also removes that. Brief discussion took place after which Mr. Congleton moved that this item be referred to the Appearance Commission to look into the situation and report to the Law and Finance Committee. City Attorney McCormick indicated he feels the Appearance Commission should get input from the Department of Transportation, Public Works, Engineering, etc., as to what kind of locations interfere with their operations. Without objection, the item was referred to the Appearance Commission for a report directly to the Law and Finance Committee.

REQUESTS AND PETITIONS - ADD-ON AUTHORIZED

Mr. Congleton indicated as a point of personal privilege, he would request that Bill Hoening, representing the Lake Park area, to speak during the night section under Requests and Petitions of citizens. Without objection, it was agreed to add Mr. Hoening.

SELECTIVE VEGETATION REMOVAL - CRITERIA APPROVED

Mr. Congleton indicated he is the City Council liaison to the Appearance Commission. He indicated recently, a couple of items came up before the Appearance Commission that he would like to call to the Council's attention. He indicated one item relates to a Work Shop being put on by the Historic Preservation Commission and the Attorney General's Office. He stated this is a very well laid out program with a lot of information and includes many City people. He encouraged all Council members to attend, if possible. He stated the other item relates to selective vegetation removal along State highway rights-of-way. He called on Bob Mosher to make a presentation.

Mr. Mosher indicated in 1981, the North Carolina General Assembly adopted a resolution asking the State Board of Transportation to draw guidelines allowing outdoor advertising and private businesses to selectively remove vegetation along State highway rights-of-way. He indicated on April 9, 1982, the State Board of Transportation adopted guidelines which would allow for selective removal of vegetation at a maximum of 250 feet in front of the center of each advertising display or business. He indicated at the request of City Administration, the State has been forwarding all applications for selective vegetation removal to the City for comments and recommendations prior to any action on the application by the State. He explained the Planning Staff routinely requests comments from the Appearance Commission when preparing the City's recommendation. The City's recommendations have placed a high priority upon protecting existing vegetation along the beltline and other major City entranceways while permitting selective thinning of vegetation which allows for the healthy growth of remaining vegetation. He indicated the guidelines which have been established by the City Administration in making recommendations to the State are as follows and have proven successful in the past: 1) all flowering trees, understory

trees and other trees of aesthetic value should be saved; 2) when thinning, the maximum spacing between trees should be no greater than 10 feet on center (when trees are greater than 6 inches in diameter, thinning of 15 feet on center may be considered); 3) on steep slopes or other areas where the removal of vegetation may cause soil erosion problems, efforts should be taken to retain more trees than allowed under maximum thinning guidelines; 4) throughout the site, no trees of 4 inch diameter or greater should be removed unless they are damaged, diseased, or may damage the health or proper growth of other trees. This does not mean that all trees less than 4 inch diameter should be removed; 5) in areas where there is no dense tree growth and/or no large trees, healthy trees of less than 4 inch diameter should be retained; 6) all fallen trees and other man made trash shall be removed from the site; 7) the City Arborist should be notified at least two days prior to the trimming of the area in order that he may be present to give direction to the State landscape personnel or others involved with vegetation removal. Mr. Keller indicated when measuring the trees and talking about 4 inches in diameter, it should be considered at breast height with Mr. Mosher indicating they are. Mrs. Block moved that the guidelines being utilized by the City be designated the official guidelines. Her motion was seconded by Mr. Keller. Brief discussion took place with City Manager Benton questioning what is meant by this City action, pointing out the City is advisory to the State. He indicated the State can take our advice but do not have to follow it, with Council members indicating they understood. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

COMPREHENSIVE PLANNING COMMITTEE - COMMENTS RECEIVED

Ms. Babb indicated this Agenda did not have a report from the Comprehensive Planning Committee but that did not mean that the Comprehensive Planning Committee was not meeting. She stated the Committee did have a two hour meeting and had some very good discussions on several items on the Agenda, however, they did not take any specific actions. She indicated she expects that the next couple of meetings would be similar type meetings as the Committee is dealing with some items that are going to take a lot of discussion prior to making a decision. She indicated maybe we should put this on the Agenda and have a couple of sentences explaining what is going on in the Committee. The item was received as information.

HANDICAP PARKING ENFORCEMENTS - COMMENTS MADE

Ms. Babb indicated she had received several calls relating to the City's enforcement of handicap parking spaces expressing appreciation for the City enforcement. She indicated, however, the information she received had the fine wrong, in that the fine for illegally parking in a handicap space is $25. She stated, however, most of the folks are very eager and happy for the City to enforce the handicap parking regulations. The items were received as comments.

GREENWAY - ADMINISTRATION RESPONSIBLE FOR SAFETY MAINTENANCE

Ms. Babb indicated she has some concerns and questions as to how the City maintains greenways to make sure that they are safe for the people using them. She indicated she knew that Council members have heard of instances that have occurred on the greenways and she is sure that there are many that are unreported. She stated at this point, she is concerned that maybe the City doesn't have an adequate sense of safety as it relates to the greenway. She indicated she knew that there were areas that need to have some thinning and clearing, indicating she was not talking about removing trees at all. She referred to an area on the Shelley Lake Greenway where there is underbrush, honeysuckle, etc., that could be removed without destroying the integrity of the greenway. She explained that she felt most Council members have received notes relative to some problems as it relates to safety on the greenway. She stated at this point, she wants to make it as abundantly clear as possible that she is a very strong supporter of the greenway and would like to continue that strong support, but the issue of personal safety is paramount. She stated she would like the Council to go on record as indicating they are committed to the greenway and that commitment is strong but the commitment to personal safety and maintenance thereof, is paramount. Mrs. Cates indicated she, too, had received some notes and that the Greenway Commission has appointed a committee that is going out and looking to see exactly what needs to be done. She stated she does feel that the Greenway Commission is very aware of the safety aspect. She pointed out we do have a ranger system to help the greenway and she hopes we have enough support in that area. She indicated the rangers' report doesn't speak to as many problems this year as last year, but, she too, knows there are a lot of people who do not make reports. Ms. Babb indicated she is aware of that and she appreciates the effort for them doing the study and report but in her opinion, it does not require a study or report to send a crew out to thin out a dangerous area on the greenway. She stated that should be done post haste. She stated she is concerned about how the recent incident was handled. She stated she just wanted to voice her support for the greenway and appreciation to the Greenway Commission but she just wanted to clarify that the ultimate responsibility of safety lies with City government, therefore, she would move that the City Council go on record as stating their commitment to the greenway system is very strong, but their commitment to personal safety and maintenance thereof, is paramount and this City Council is on record as saying it is the basic responsibility of Administration when safety concerns are voiced and that when safety concerns are voiced, that they be referred to Administration immediately to be handled. Her motion was seconded by Mrs. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

General discussion followed with various Council members indicating they had been out and looked at the areas along the greenway and there are some areas that could be thinned or cut back as it relates to underbrush, honeysuckle, etc. Mrs. Cates pointed out that greenway has a maintenance crew and in the recent incident, the Greenway Commission wanted to handle it with their maintenance crew. She questioned if Ms. Babb is saying that they should not wait for the Greenway Commission or crew to get to an area with Ms. Babb indicating when safety is concerned, it should be handled by Administration post haste, that is, the very next day. She stated Administration must have the responsibility to do it and the authority to handle safety concerns. Mrs. Cates pointed out the Greenway Commission accepts land with the understanding that as little vegetation as possible would be disturbed. She stated if safety is involved, the greenway crew and Commission is responsible and she feels that if that is not the way it is handled and Council says something different, that the Council would be reflecting on the integrity of the Greenway Commission. Ms. Babb indicated she is not talking about changing trails or cutting down trees or anything, but the Greenway Commission is just like all of the other Advisory Commissions to the Council - they are advisory. No further comments were made.

## REPORT OF CITY CLERK AND TREASURER

MINUTES - FEBRUARY 7, 1984 - APPROVED AS PRESENTED

The City Clerk indicated Council members received copies of the minutes of the February 7, 1984 Council meeting. Mr. Keller moved approval of the minutes as submitted. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ANNEXATION - KITCHEN CREATIONS PROPERTY - REFERRED TO INTERGOVERNMENTAL COMMITTEE; CLERK AUTHORIZED TO CHECK SUFFICIENCY

The City Clerk reported a petition for the satellite annexation of land known as "Property of Kitchen Creations, Inc. - Six Forks Road" has been received. The next step if the Council so desires would be direct the Clerk to check the sufficiency of the petition and schedule a public hearing. Discussion took place on the proposed satellite annexation, its location and satellite annexations in general, after which, by general consensus, it was agreed to refer the petition to the Intergovernmental Committee.

During the night section of the meeting, Mayor Upchurch requested that the City Clerk be authorized to check the sufficiency of the petition and report that information to the Intergovernmental Committee.

ANNEXATION - WALNUT CREEK APARTMENTS - CLERK AUTHORIZED TO CHECK SUFFICIENCY AND SET HEARING

The City Clerk indicated a petition has been received for the annexation of an area known as Walnut Creek Apartments. The next step if Council so desires would be direct the Clerk to check the sufficiency of the petition and schedule a public hearing. By general consensus, the Clerk was directed to check the sufficiency and schedule a public hearing, if the petition is found sufficient.

## ADJOURNMENT

There being no further business, the meeting adjourned at 4:30 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

ayw/SP4/1

The City Council of the City of Raleigh met in a regular reconvened meeting on Tuesday, February 21, 1984, at 7:00 p.m. in the City Council Chamber of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Mrs. Block
Mr. Calloway
Mrs. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

## REQUESTS AND PETITIONS OF CITIZENS

### UNSAFE BUILDING - 330 EAST DAVIE STREET - TO BE PLACED ON MARCH 20, 1984 AGENDA

Mrs. S. J. Love, 412 South Blount Street was at the meeting indicating the City has ordered the dwelling at 330 East Davie Street unsafe and directed that it be demolished. She stated she would like an opportunity to renovate this building and she needs additional time. Housing Inspections Supervisor Bartholomew indicated the City Council approved demolition of the structure in January. He stated Mrs. Love came into his office and indicated she wanted to repair the building but could not give him any details as to who was going to repair it, etc. He indicated this building is at the corner of Davie and Bloodworth Street and has been vacant over 15 years. He indicated Mrs. Love had kept it boarded up for a while. He stated, however, over the years, due to weather and deterioration, there is many unauthorized personnel staying in the building. He pointed out after the building was declared unsafe, he received bids for demolition and has a contract ready to go to demolish this building, however, according to Council procedure, the contractor has been put on hold pending the appeal to Council. He stated he would like to see the building demolished, pointing out if it were really going to be restored, he would have no problems, but explained it is going to cost an awful lot to repair the building. He stated the bid to demolish the building came in at $2,500. Mr. Bartholomew presented photos of the building.

Discussion took place on how the building has been utilized in the past, what Mrs. Love wants to do with the building once it is repaired, and whether the building is structurally safe for repairs. Mrs. Love indicated the City Inspector says that the building can be repaired and she would like to use it for a business downstairs and someone living upstairs. She stated it would take about 30 days to get the work under contract. Mr. Walters indicated it looks like it would be cheaper to demolish this building and build a completely new building and he feels the City would be better off if it were demolished tomorrow. Mrs. Block pointed out we are putting a great deal of money into the restoration and preservation of Southeast Raleigh and it does look as if it would be cheaper to build a new building than repair the existing one. Mr. Walters explained we are tearing down buildings that are in better shape than this one and he feels this particular building is a hazard and is dangerous and he cannot imagine extended one more day as he feels if something happens, the City would be responsible. Mr. Calloway indicated Mrs. Love had stated she is willing to go to the expense involved and he doesn't feel it will hurt to give her an additional 30 days. He indicated if a lot of progress has not been made in that 30 days, then the City would have to go in and demolish it. Mr. Calloway moved that this be placed on the Agenda for March 20 for further action. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

### BICYCLE RACES - UTILIZATION OF STREETS IN MINI-CITY AREA - APPROVED

Phillip K. Templeton, representing the Carolina Velo Club, was at the meeting to request permission to stage a series of bicycle races in the Mini-City area of North Raleigh. He indicated that Council has received information regarding the race route pointing out they would be utilizing Spring Forest, Green Road, Leigh Place, Millbrook Road and Signet Drive. He stated he has been working with the Police Department and they see no problem with members of the club monitoring the course, working with crowd control, etc. He indicated they do have an insurance policy which is provided by the U. S. Cycling Federation provided for the event. City Manager Benton indicated Administration has no objections to the City streets being utilized, provided the club is responsible for obtaining, installing and removing the barricades and traffic cones necessary to effectively close off the race course. It was indicated these races will involve all of the Sundays in March and will take place between 10:00 a.m. and 12:00 noon. It was pointed out the race route can be safely sealed off with barricades and cones and off-duty personnel will not be required for traffic control and on-duty Police personnel will monitor the area for any traffic problems. Mr. Walters moved the request be approved with the conditions outlined by the Manager. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CULTURE CLUB - REMOVED FROM THE AGENDA

Frank D. Thompson, representing the Culture Club, had requested permission to address the Council on general issues involving the club and to discuss the transfer of ownership of the club. It was pointed out that Mr. Thompson had withdrawn the request, therefore, no action was taken.

WATER BILL - 1317 LENNOX PLACE - REFERRED TO THE PUBLIC WORKS COMMITTEE

Mr. and Mrs. Edward Bostick had requested permission to discuss an adjustment for an excessive water bill at 1317 Lennox Place. The City Clerk reported the Bostick's could not be at the meeting and would like to an opportunity to discuss this with an appropriate committee. Without objection, the item was referred to Public Works Committee.

PARKING - HILLSBOROUGH STREET - REFERRED TO PUBLIC WORKS COMMITTEE FOR MONITORING

Fannie Pearl Fulcher indicated she is representing residents who have parked on Hillsborough Street for over 25 years. She indicated recently when Hillsborough Street was made two way traffic, all but four of the parking spaces between Snow and Saint Mary's Street were eliminated. She indicated many of the residents of the Boylan Apartments have no other place to park and it makes it difficult for many to find parking spaces. She indicated many of the older residents cannot walk a long way from a parking space and many have stated that they could not have visitors because they could find no place to park. She indicated they have discussed the problem with the management but they feel the City can solve the problem by removing the left turn lane and allowing parking on the north side of Hillsborough Street. She presented a petition signed by the residents of the Boylan Apartments requesting the City to replace the 14 lost parking spaces.

City Manager Benton indicated as a result of the two way traffic on Hillsborough Street, 8 parking spaces were removed in the area. He indicated in addition, 5 spaces were removed because of new driveway entrances at the State Employees' Credit Union construction, therefore, 13 spaces have been removed. He indicated, on the positive side, when the Credit Union building is completed, there will become available about 10 parking spaces that were not available prior to this construction. Therefore, there will be a net loss of 3 spaces. He indicated the City Administration feels that the left turn traffic lane situation should be left as it is presently constructed. Brief discussion took place with Mrs. Block pointing out she had asked for this report and she wonders if the residents could persuade some of those businesses that are not open in the evening, to let them utilize their private parking. Mr. Walters questioned if we could put this item in committee to monitor the situation, pointing out possibly by the time the Council meets again, the Credit Union should be open and the Council could see if the parking is provided. Without objection, the item was referred to the Public Works Committee.

TRAFFIC - STOP SIGNS AUTHORIZED FOR LAKE PARK DRIVE/LAKELAND DRIVE; REQUEST FOR SPEED REDUCTION ON LAKELAND DRIVE TO BE PLACED ON NEXT AGENDA

Bill Hoening, 6424 Lakeland Drive, was at the meeting and presented a petition from the homeowners in Lake Park Subdivision requesting the Council to lower the speed limit on Lakeland Drive from 35 mph to 25 mph, establish a Slow Children at Play and Deaf Child signs on Lakeland Drive between Lake Park Drive and Lake Run Court and establish a stop sign at the intersection of Lake Park Drive and Lakeland Drive. He indicated the majority of the traffic is local or visiting but Lakeland and Lake Park Drive are the only two streets that lead to more than 250 homes. He indicated recently, a school bus driver was temporarily suspended from driving due to speeding on the street. He stated shortly, the Lake Park Swim Club will be opening and they have some 125 children which practice daily and they feel with that opening, the possibility of a child being hit or seriously injured by a car will be increased. He pointed out, in addition, they have a deaf child who lives on the street. He explained when coming down the hill on Lakeland Drive from Lake Run Court, you go over a blind hill, pointing out if a child were riding a bike or walking on the down side of the hill, a car driver would not see them until they are right on them. He indicated, in addition, cars accumulate speed as they come down the hill and with the three curves, you are on children before you know it. He indicated they feel that it would make it a safer place if the three requests were granted. He indicated another question they have is if there is no stop sign or yield sign at an intersection and there is an accident, who would be at fault. He indicated he has also found that the people on the other side of the subdivision also would like to have these requests honored.

City Manager Benton indicated the City has a policy of not marking intersections that are clearly visible. He explained traffic laws do speak to responsibility if it is an unmarked intersection. He stated at this particular intersection there is good visibility. He explained that the City does have problems with the Children at Play signs, pointing out they could have negative ramifications in terms of false sense of security and the City feels they do have an adverse impact and in the past, it has been the policy of the City not to install these signs. He stated as far as reducing the speed limit from 35 to 25, that is a policy question. He pointed out Administration has not had an opportunity to to do any traffic counts or surveillance so he could not give the Council any idea of the present speed in the area.

Mr. Congleton indicated he understood the question of stop signs and he feels if the residents themselves request them, then the City should go ahead and install them if

it doesn't create any policy type questions. He pointed out in terms of the reduction of the speed limit, that maybe we should look at the traffic count. He pointed out, however, we do have a swim club in this area and all of the neighbors are desirous of the reduced speed limit and he feels they want the speed limit reduced prior to the swim club opening. He stated he doesn't want to go against policy but pointed out this street just goes back into the subdivision and he does not know how much problem that it would create, therefore, he would move that the Council authorize the reduction of the speed limit to 25 mph on Lakeland Drive and authorize the installation of the stop sign at Lake Park and Lakeland Drive. His motion was seconded by Ms. Babb. Mr. Walters indicated he has no real objection to the installation of the stop sign but he feels the question of reducing the speed limit should be referred to Administration, pointing out he feel we would be setting a bad precedent of making traffic changes without hearing Administrative comments first. Lengthy discussion followed with various Council members voicing their opinion on what criteria should be utilized. Mrs. Cates indicated here we have a combination of items - a handicapped child, the citizens wanting the reduction, etc., with Ms. Babb questioning what harm it would do. After lengthy discussion, various Council members voiced their opinions and noting how the Council reacts to various requests and makes their decisions. The motion, as stated, was put to a vote with results as follows: Ayes - Babb, Calloway, Cates, Congleton: Noes - Keller, Walters, Upchurch, Block. The Mayor ruled the motion defeated. Other discussion followed after which Mrs. Block moved that the Council authorize the installation of a stop sign at the intersection of Lake Park Drive and Lakeland Drive and put the consideration of a 25 mph speed limit on Lakeland Drive on the next Agenda for further consideration and a report from Administration. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 291.

## UNFIT BUILDINGS AND DWELLINGS UNFIT FOR HUMAN HABITATION

### UNFIT BUILDING - 514 EAST MARTIN STREET - REFERRED TO PUBLIC WORKS COMMITTEE

Housing Inspections Supervisor Bartholomew indicated the City Council adopted an ordinance declaring the dwelling at 514 East Martin Street unfit. He indicated the ordinance becomes effective on February 22. He stated earlier in the afternoon, at the recommendation of the Real Estate Committee, some action was taken on the purchase of this house. He stated in following Council policy, he wanted to make the report to the Council. He indicated Mr. McCoy has made about 75% of the repairs and the building is in a safe condition. He suggested the possibility of the Council either extending the effective date of the ordinance or referring the ordinance to Committee. Without objection, the item was referred to Public Works Committee.

## MATTERS SCHEDULED FOR PUBLIC HEARING

### PUBLIC NUISANCE COST CONFIRMATION - 2644 SOUTH SAUNDERS STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges in the amount of $150 for abating public nuisances at 2644 South Saunders Street in the name of Walter M. Shelton. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Calloway moved adoption of a resolution confirming charges as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

### RESOLUTION NO. 1984-464

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

| PROPERTY OWNER | LOCATION | ABATEMENT COST |
|---|---|---|
| Walter M. V. Shelton | 2644 South Saunders Street<br>Lot 107, Map 605<br>ID # 0063735 | $150 |

Section 3. That this resolution shall become effective February 21, 1984.

Adopted: February 21, 1984

SIDEWALK AR 196 - CAMELOT DRIVE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for the sidewalk installation on Camelot Drive according to charges outlined in Assessment Roll 196 which was adopted by Resolution 1984-436 on January 17, 1984. Chief Engineer Thomas explained the location of the improvements. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of the resolution confirming the charges as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 7:50 p.m. See Resolution 465.

SIDEWALK ASSESSMENT ROLL 197 - LASSITER MILL ROAD - HEARING - RESOLUTION CONFIRMING CHARGES ADOPTED

This was a hearing to consider adoption of a resolution confirming charges for the sidewalk installation on Lassiter Mill Road according to Assessment Roll 197, adopted by Resolution 1984-437 on January 17, 1984. Chief Engineer Thomas explained the location. Mayor Upchurch opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of the resolution confirming the charges as outlined. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and the roll confirmed at 7:51 p.m.

RESOLUTION NO. 1984-465

A RESOLUTION CONFIRMING SPECIAL SIDEWALK ASSESSMENT ROLLS 196 and 197

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 21st day of February, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution Nos. 436 and 437 adopted on the 17th day of January, 1984, which assessments appear on "The City of Raleigh Special Sidewalk Assessment Rolls 196 and 197," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: February 21, 1984

SIDEWALK ASSESSMENT ROLL 198 - LAKE BOONE TRAIL - HEARING - TO BE PLACED ON 3/20/84 AGENDA

This was a hearing to consider adoption of a resolution confirming the charges for the sidewalk installation on Lake Boone Trail according to Assessment Roll 198, as adopted by Resolution 1984-438 on January 17, 1984. Chief Engineer Thomas explained the location. Mayor Upchurch opened the hearing. Walter Nance, 5137 Jefferson Road, indicated he owns property on Lake Boone Trail across from the fire station. He indicated the sidewalks at the fire station have been there for over 10 years yet the

City says he has to pay. Chief Engineer Thomas explained the Sidewalk Assessment policy as it relates to existing paved driveways credit is given and if it is not a paved driveway, then no credit is given. Brief discussion took place relative to the current procedure after which, Mrs. Block moved that this item be referred to the City Attorney for report back at the next meeting. Without objection, this was agreed to.

ANNEXATION - MAGNOLIA RUN SUBDIVISION - HEARING - ORDINANCE ADOPTED ANNEXING OF PROPERTY EFFECTIVE FEBRUARY 29, 1984

This was a hearing to consider the contiguous annexation of Magnolia Run Subdivision. If, following the public hearing, it is deemed that the annexation is desirable, it is suggested that the effective date of annexation be February 29, 1984, and that the property be placed in Council District A. Planning Director Chapman explained the location indicating the staff sees no problem with the annexation. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of an ordinance annexing the property effective February 29, 1984 and a resolution placing the property in Council District A. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 466

A RESOLUTION TO AUTHORIZE THE INCLUSION OF MAGNOLIA RUN SUBDIVISION IN CITY ELECTORAL DISTRICT A

WHEREAS, The City Council of the City of Raleigh did, by Ordinance No. (1984) 295 adopted February 21, 1984 annex a parcel of land being commonly referred to as Magnolia Run Subdivision; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Magnolia Run Subdivision as described in Ordinance No. (1984) 295 be added to City Electoral District A.

Adopted: 2/21/84

Effective: 2/29/84

ORDINANCE NO. (1984) 295

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS MAGNOLIA RUN

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on February 21, 1984 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, no petition was filed at said meeting of the City Council objecting to the annexation of said territory and asking that an election be held thereon; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of February 29, 1984:

MAGNOLIA RUN SUBDIVISION

Beginning at a point in the existing Raleigh City Limits (January 1, 1984), said point also being in the former (January 1, 1980) northern right-of-way line of Lynn Road (SR 1819) and in the western boundary extended of the Magnolia Run Subdivision as shown and recorded in Book of Maps 1983, Page 1558 of the Wake County Registry; thence North 08 degrees, 30 minutes, 47 seconds East 944.76 feet, more or less, along the western boundary of Magnolia Run Subdivision to the northwestern corner of said subdivision; thence with the northern boundary of Magnolia Run Subdivision south 85 degrees, 55 minutes, 31 seconds East 425.57 feet to the northeast corner of said subdivision; thence continuing with the boundary of Magnolia Run Subdivision South 09 degrees, 33 minutes, 12 seconds West 1142.50 feet, more or less, to the center line of Lynn Road, said point also being in said existing City Limits; thence along said center line northwesterly 250 feet more or less following said existing City Limits to a point; thence northeasterly 30 feet more or less to a point in said former northern right-of-way line of Lynn Road; thence northwesterly with said former northern right-of-way of Lynn Road 185 feet, more or less, to the point of Beginning.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective February 29, 1984.

Adopted: 2/21/84

Effective: 2/29/84

SOUTHERN BELL RATE INCREASE - COMMENTS RECEIVED

Hattie Williams was at the meeting indicating she represented Carolina Action and they demand that the City Council represent the people who elected them by opposing the 46% Southern Bell increase through the City Attorney's Office. She stated a Southern Bell rate hike means a tax increase for the citizens of Raleigh. Mayor Upchurch indicated the City would take the request under advise.

JOINT HEARING WITH THE PLANNING COMMISSION

The City Council meeting adjourned at 7:55 p.m. to go into a joint hearing with the Planning Commission for the purpose of hearing rezoning application Z-30-84 - Reaves Drive. The minutes of that meeting will be covered in separate set of minutes.

Gail G. Smith
City Clerk

ayw/SP4/2